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ROYAL COMMISSION ON MATTERS OF HEALTH
AND SAFETY ARISING FROM THE USE OF
ASBESTOS IN ONTARIO

Vol: 3 - Wednesday, February 18, 1981

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ROYAL COMMISSION ON MATTERS OF HEALTH AND SAFETY
ARISING FROM THE USE OF ASBESTOS IN ONTARIO


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Ontario Room
McDonald Block
900 Bay Street
Toronto, Ontario
Wednesday,
February 18, 1981



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Ontario Room
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Wednesday,
February 18, 1981
10:00 a.m.

THE FURTHER PROCEEDINGS OF THE INQUIRY
RESUMED PURSUANT TO ADJOURNMENT

APPEARANCES AS HERETOFORE NOTED

DR. DUPRE: Ladies and gentlemen, our first presentation this morning is from the International Association of Bridge, Structural and Ornamental Iron Workers. The presenter on behalf of the iron workers is at the presenters' table, and I am very happy to greet him on your behalf.

I might remind everyone, including the chairman, that we should speak directly into the microphone.

May I now turn it over to you, Mr. Donaldson?

MR. DONALDSON: Thank you, Mr. Chairman. My name is John Donaldson. I am president of the Iron Workers Local 721. This is Linda Jolley, as you know, who is going to assist me this morning.

This local has approximately two thousand members. Its territorial jurisdiction is west to Oakville, north to Huntsville and East to Kingston.

This morning we don't propose to get into the scientific or technical aspects, but rather to, hopefully, assist

5 MR. DONALDSON: (cont'd.) the Commission by telling you what we believe the problems are when construction workers are confronted by asbestos while renovation work is in progress.

We will use the renovation work done at the Toronto International Airport in 1977 as an example. This job lasted over a period of two years.

10 We would like to familiarize the Commission first of all by reading an Occupational Health Protection Branch field visit report to the airport. This is after, of course, asbestos had been identified. I will make some comments as I go along, Mr. Chairman.

15 This visit was made to assess the asbestos exposure of the welding crew while insulation is removed from the beams. "A significant exposure was found to exist not only to the men removing insulation, but to other workers in the enclosure. It is also felt that other tradesmen who must work near these beams could also receive an asbestos exposure. A return visit should be made to investigate this.? Five directions are suggested, one recommendation is also made.

25 "Terminal one is a circular-shaped building with the outer area containing observation and holding rooms. At the moment, there are six observation rooms and they are to be converted into holding rooms. This expansion requires that extra air conditioning be installed. In order to accomplish this, the present false ceilings in the observation rooms must be taken down and reinforcing beams added to support the roof, and brackets welded to the joists to support the new duct work.

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MR. DONALDSON: (cont'd.) The purpose of this visit was to assess the exposure of men who remove insulation from the existing beams to weld new beams and brackets in place. The original insulation was applied ten to fifteen years ago, and has been analyzed and found to contain certain kind of asbestos. The new insulation which is used for patchup work was identified as sprayed-on mineral fibre and consists mainly of glass fibres.

Comments: Number one: There are three crews each, consisting of a welder and a helper who are responsible for removing insulation from beams and welding new brackets and beams.

While this operation is taking place there are usually no other tradesmen in the room. Once the welding is completely finished, plumbers, electricians, ladders, etc., would be involved in finishing off the room".

At this point I would just like to comment that rather than no other tradesmen being in the room at the same time, all other tradesmen were in the room.

"Comment Two: During the visit, I observed men removing insulation from a joist and made the following observations: Two men working from a scaffold used a small bottle with a spray pump to apply mist of water to insulation being removed. The purpose of this was to suppress the formation of dusts that result during removal. Although the small amount of water no doubt wet the surface, in order to adequately suppress dust formation, insulation must be thoroughly soaked. The men then hammered and scraped away at the insulation for about five to ten minutes, until a hole about two feet square had been established.

MR. DONALDSON: (cont'd.) "During that time, although the majority of insulation removed was coarse, there was an excessive amount of fine dust produced. Some of this debris was gathered on the scaffold, but the majority was falling on the floor. It is essential that this material not be allowed to accumulate over a shift, but be cleaned up immediately by vacuuming or wet-mopping. Dry-sweeping should never be allowed since very high-dust exposure can result."

To comment on that, Mr. Chairman, we had asked for a direct hose from the washrooms in the airport to wet the asbestos, and what we were given was a small, as you can see, a windex bottle, what you wash your windows...

We were told that a hose would be inconvenient to the public using the airport. Eventually we were given, when we continued to complain to the company, we were given what you would call a stirrup pump, one of those little cans that you use for spraying your vegetables in the garden.

"Three: Although the width and height of the observation rooms were constant at thirty feet and twelve feet, the length varies from seventy-eight to one hundred and thirty feet. On the average there are two to three large beams and about two dozen angle supports per room, which must be installed. Although the men may strip insulation and weld as little as one or two hours per day, they spend an entire shift in the room.

The remaining time is usually spent hoisting, positioning and moving steel around to prepare to do the welding."

At this time these officers from the Ministry of

MR. DONALDSON: (cont'd.) Labour spent about... at the very most, three hours that day looking at the job, and of course they only seen one room. In actual fact there was about six to ten beams in every room.

"Four: The contractor is only allowed to close one holding room at a time so as not to inconvenience the air travellers."

And that contradicts the first statement that only the welding crew was in the room.

"At the moment there is enough welding to employ the three crews for about two more months. After that period only one or two crews will be employed for the next one and a half years to finish the project. During that period, the welders will not work continuously, but will come and go as required. It was stressed by the company that it is not possible at this time to state what the work schedule would be for the welders after the next two months. Possibly a return visit should be made at the time to look at the welding activities, but also to assess exposure to other workers who also work in these rooms.

For example, there are men who must cover the water pipes with fibre glass insulation. They must work in and around beams. They could easily dislodge insulation and receive significant asbestos exposures.

The ladders who tear down the false ceilings are obviously subjected to extremely high dust exposure created by the dust which accumulates in the ceiling. Since the majority of this dust originates from insulation flaking off beams,

MR. DONALDSON: (cont'd.) "it is essential that these ladders be protected by approved respirators and covered up with highly fitting cuffs and gloves to prevent skin contact with insulation which can cause rashes.

Throughout the job.....and as I say, the job lasted two years....at no time were the ladders ever given respirators or coveralls. In fact it was only the iron workers and sheet metal workers who eventually did get the coveralls and respirators.

"Number five: Air samples for asbestos were taken during the visit. The first two samples taken on Don Brown and Richard Dorian indicated the exposure received while these two men stripped insulation from a joist and welded a bracket to it.

Although the removal of insulation took only five to ten minutes, the welding was not complete until about another thirty minutes. The result of four point one and four point five fibres five micrometers in length c.c. are likely to represent the highest exposure these men will receive as the insulation was thoroughly soaked prior to removal. The exposure could be reduced by a significant amount."

This seems to indicate the welders were the only ones stripping the asbestos. In fact, all the crew were stripping asbestos, and when they speak about five minutes of hacking and getting the asbestos off, five to ten minutes, of course that happened twenty times over the full day.

"Sample C: John Donaldson and Flore Bouchard were personal samples taken while these men were removing beams and other material in the room

MR. DONALDSON: (cont'd.) "while Brown and Dorian were welding. Although the results of two point five and two point seven fibres c.c. are less than results obtained by men in direct contact with the insulation this is apparent anyone in the room will be exposed to a significant extent." I omitted to tell the Commission that I worked on the job as an iron worker myself. That's why my sample is there. "Sample Five is an area sample taken in the room during the stripping operations. As could be expected, this result was compatible with samples three and four. Sample Six was placed on Randy Folen, who is not with the welding crew but rather is involved in peeling down the false ceilings and installation of wires to support the new duct work. During the first part of the half-hour sample, he was on a break, and for the last part he was bending and shaping existing hanging wire. This man was working around the insulated beams located outside holding room L. This sample of two point one fibre c.c. is an indication of the exposure to be expected while working around these beams while only occasionally making contact with them." I should say at this time, Mr. Chairman, that the samples taken, they were taken over the half-hour period, as you can see, and they took them in an open area where the windows had been removed, and quite a lot of our time was spent in crawlspaces where, as a matter of fact, you could hardly see each other for the asbestos dust. We did tell the officials at that time that this is where they should be taking their samples, but that was ignored.

Still on five: "By averaging samples four,

MR. DONALDSON: (cont'd.) "five and six, we can reasonably assume that in areas where installation has been removed the airborne concentration will be just slightly greater than the threshold limit value set at two fibres greater than five micrometers in length per c.c. of air. This is a time-weighted concentration for a seven or eight hour workday and forty hour week, and it is believe that nearly all workers may be repeatedly exposed day after day without adverse effects."

As I say again, if they have been taken properly the dust counts would be much higher, very much higher.

"Since the present welding crew will be working at least two more months, and a smaller crew for the better part of one and a half years, then the air samples taken during the visit should be compared with the present Ontario standard set at two fibres c.c.

In order to protect the welding crew from the asbestos exposure, all workers in the exposed area must wear approved respirators. This includes not only the men removing insulation and welding, but any other men who are in the room.

During the visit, the men were wearing respirators identified as Wilson 1-400, which is approved for asbestos."

I just tell you again that throughout the whole job the iron workers initially were the only people to have respirators, and then sheet metal workers. That was the only trades.

"Number Six: Some of the men wondered how long respirators could be worn before they lose their effectiveness. I stated during the visit it is

5 MR. DONALDSON: (cont'd.) not possible to put on a time limit on this. Rather it must be stressed that with any filtering device the efficiency actually increases as it is used since the collected dust fibre builds up a cake which does as much filtering as the original filter medium. However, as the filter cake builds up, it becomes harder to draw air through it. Thus, when the worker finds it difficult to breathe through the respirator, this is the time to replace it. A worker should not be alarmed if the front face piece fills up with dust, as this is merely an indication of material filtered out of the air he breathes."

15 The type of work that the iron workers was doing on this job was manhandling beams weighing approximately one ton a piece. There was no power equipment able...this, you must understand, was inside the airport and they had to be manhandled. We had to move and position those beams and when we were putting them in place it was a hand-operated winch we had to use. We had to lift it bodily onto the winch, two winches, and then turn the winch up. It was impossible to do this type of work with the respirator. In fact, at certain stages of this work we would pull the respirator off and take deep breaths..and you can imagine what that was doing with the asbestos around. It is virtually impossible to wear those respirators continually.

25 "Number Seven: It is important that each operator be provided with more than one respirator, and that it be kept in a clean place such as an office or locker. If they are left lying around the job site, dust will gather on the inside and this will give the worker a high dust exposure when he uses it. In the same manner, respirators

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MR. DONALDSON: (cont'd.) which are being used during the day should be kept in a clean place at the end of the shift."

It now goes onto recommendations. There is one recommendation: "A return engineering visit, along with air samplings, should be carried out to accurately assess asbestos exposure of other tradesmen who are involved in this construction project".

We go onto directions: "Number One: Thoroughly wet or soak the asbestos insulation with water or wet steam before removing. At the moment only a fine spray of water is applied." I have already told you how we eventually did that.

"Segregate the asbestos..." Number Two:

"Segregate the asbestos removal operations so adjacent areas are not contaminated with asbestos dust."

This was never done.

"Provide and make the wearing the approved respirators mandatory. This applies not only to the men removing insulation, but any other workers in the area."

Thankfully, that was never done, because I can assure you if they had made wearing those respirators mandatory every iron worker would have quit on the spot.

"Number Four: Loose asbestos insulation shall not be allowed to accumulate on the floor. It shall be cleaned up using a vacuum or wet-mopping, and disposed of in a sealed container. Dry-sweeping of asbestos waste shall not be allowed."

There was continual dry-sweeping even after these directions. The most it came to wetting the asbestos down before sweeping was using a coffee cup and a bucket of water

MR. DONALDSON: (cont'd.) to wet it down. The asbestos that was being disposed of was disposed of in the regular garbage, never in any specific garbage.

"Number Five: Eating, drinking and smoking shall not be allowed in the contaminated work area. This means that smoke breaks and lunches shall be taken in rooms or areas not contaminated with asbestos dust."

There was no rooms made available for lunches or anything. The iron workers took theirs out in the corridor and were chastised quite often for doing so because this was used for the passengers of the airport. We continued to do it.

The other trades, most of them ate their lunches right on the site.

That is the field report that was left. If I could just tell you how we managed to have the Ministry of Labour come on the job: We had been on the job for six weeks and at least the iron worker was pretty sure that this was asbestos, because after all, we had been there when the asbestos was put on. We had built that building fifteen years previously.

We tried at that time to get respirators and coveralls. We were given paper masks something like the surgical masks you see doctors wearing. We didn't think that was good enough, we kept complaining. We were denied coveralls. The company wouldn't give us coveralls.

Eventually, after five or six weeks, we phoned the Ministry of Labour and that was the result.

After the samples were taken, and that was, I believe, the 22nd of March...no, the 22nd of February, 1977, after the first week we thought it was time that we were getting some results because the reason that we weren't getting the proper protection was, they said well, you don't know it's asbestos. We called the ministry, and when I say 'we', I mean

MR. DONALDSON: (cont'd.) myself, representing the iron workers...and asked if the results were ready.

They said, no, it took some time to analyze the material.

We continued to call him over the next five weeks, and at that time you can imagine the frustration because it took them five weeks to analyze some material. We got in touch with the newspapers, the Globe and Mail and the Star, and they ran a story in the morning and that evening.

The next morning the ministry was on the job with this report.

This report was never, despite what was said later, it was never given to the union. In fact, it was never posted on the job site for the men to read. Any of these men who are here now, this will be the first time they would be hearing this.

I was not the steward for the iron workers on that job...each trade has a steward, normally, in each job...I was not the steward. I had come a couple of weeks after the job was started. The foreman...our foreman for the iron workers...had come in one day and told the men that Donaldson was going to be moved to another job because he was causing trouble. Immediately the men got together and elected me as the steward, which prohibited the company, under the agreement, from moving me to another job.

I naively felt that I could speak to our company, the man that owned the company that we worked for, and try and convince him that there was something wrong here.

The business agent of the local union set up a meeting, and I was invited to have lunch with them. Before I could state my case, he got into the attack and he told me that he was getting pressure from the general contractor, that I was causing trouble, I should keep my mouth shut, I was

MR. DONALDSON: (cont'd.) only the steward for the iron workers and I should not speak to the other trades.

5 There was many safety meetings held at the airport during this period. Those safety meetings consisted of three officials from the ministry and managerial personnel. I asked on many occasions if the stewards on the job site could sit in, and was told no, they couldn't. I asked the ministry official if we could sit in and was told that the companies didn't need to invite stewards or any workmen from the job site to those
10 meetings.

The CSAO, Construction Safety Association of Ontario, did occasionally visit job sites, and they visited this one, and they informed us that they were holding a meeting in a week hence. I thought this was good, somebody is going to tell us about the dangers and the hazards of asbestos.
15 When I asked what the meeting was about I was told it was in regards to safety lanyards, safetybelts.

The man was Ken Fisher, still with the CSAO. I explained to Ken what was happening here regarding asbestos and asked if possibly they could include on the agenda some expert or someone who knew something about asbestos to explain
20 to the men on the site regarding the hazards of asbestos. He agreed with me, and that was done.

Out of sixty men who attended that meeting, out of sixty men on the job site, about twenty attended. There was no encouragement, there were no notices put up. It was just word of mouth. It wasn't a compulsory thing, you should
25 attend.

At one time I asked our business agent from the local union if he could arrange for a mobile unit so that you can be given lung function tests. They wouldn't accept a request from me, but they would from the official of the union.
30 That was done. A mobile unit arrived on the site and the iron

MR. DONALDSON: (cont'd.) workers were told to go and take the test. In doing so, sheet metal, laborers, carpenters, pipefitters, also lined up to take a test. The question was asked when each man got into the trailer, 'are you an iron worker'? If you were not an iron worker you were not allowed to take the test. It's only the iron workers, they were told, who had requested the test and those were the only ones that would be tested, and if these other men felt they should be tested, then they give them the address in downtown Toronto where they could go and get tested. Of course they didn't tell them who would pay them for the lost time doing that.

I could go on reading...I might say that in June of 1977, I was appointed business agent for the local union so my time spent at the job was approximately five to six months. Somebody said the company got to the union to get rid of me at that point.

DR. DUPRE: Sorry. What was that date again?

MR. DONALDSON: I said somebody accused the union of getting...taking that step to get rid of me.

DR. DUPRE: Just before you got there, what was the date, again, at which you left?

MR. DONALDSON: It was around about June.

DR. DUPRE: Of...?

MR. DONALDSON: Of 1977.

DR. DUPRE: Yes. I had been there since early in the new year.

Through much correspondence after I left the job site to the ministry regarding the job...in fact I returned to the job as a business agent for the local union, which really wasn't my territory, but I did go in with an eight millimeter camera...and you can remember this was six months after these orders were sent in...and that film is now in the

MR. DONALDSON: (cont'd.) OFL library and it shows you the asbestos, dry asbestos all over the floor. Also photographs of that, dated in June of 1977.

5 The attitude of the contractor, in my opinion, was if we can keep it quiet enough, it will go away. The inspectors I don't believe were versed in the hazards, and still aren't versed in the hazards of asbestos.

10 The recommendations, as far as they go, are quite good. Even if those had been enforced, but they were never enforced.

15 I have a letter, a return letter from Bette Stephenson, who was the Minister of Labour, as you know, at that time, telling me that she had received a letter from the contractor, the general contractor on the job, all the recommendations had been adhered to and everything was fine now.

20 I think I'll conclude now with our recommendations. I have other instances...one that comes to mind is the Woolco Store in Whitby, and much the same, as I recall, horrendous story. You must remember this went on for two years and there were many instances of harassment, especially with the iron workers.

I can remember the inspectors coming on the job site, there was asbestos lying all over the scaffold we were working on, all over the floor, and him telling us that he would charge us for not being tied off with a safety belt.

Recommendations:

- 25 1. That the owner and/or constructor, as defined in the Occupational Health and Safety Act, be responsible to identify the presence of any dangerous material, in particular asbestos, that will permit subcontractors to bid the cost of effective job site controls into his price.
- 30

MR. DONALDSON: (cont'd.) The assistance of the Ministry of Labour and/or Environment should be given to owners and constructors to identify hazardous materials.

2. The task of asbestos decontamination of the work area should be performed before all other tasks on the job site. The work area must be completely sealed off from the outside and the asbestos should be thoroughly soaked in water. The crew involved in the removal must wear a positive pressure mask or hood. All asbestos removed must be sealed in suitable containers while still wet, proper dump sites should be identified by the Ministry of the Environment.

In regard to exposure controls employed, we feel an essential consideration is the practicality of any control mechanism. With the heavy physical demands of most construction work, unlike much inplant work, simple respirators become ineffective. Hard work demands deep breaths, and respirators will restrict the tradesman's ability to take quick, deep breaths. Furthermore, the discomfort of perspiration running around the edges of such masks will tend to cause the tradesman to go off the wearing of the masks.

3. All employers should provide full body protection. It is essential to prevent the transference of asbestos from the site to the public transit, private car or home. Therefore, dual changing rooms should be

MR. DONALDSON: (cont'd.) provided. Those would be essentially of an airlock type where employees could discard their daily clothing, pass through a shower area and don their protective clothing. After shift, the employees may then leave the contaminated clothing, pass through the shower area, and clothe themselves back into their regular, uncontaminated clothing.

4. When hazardous materials have been identified on a job site, the Ministry of Labour should appoint an occupational health and safety committee with their discretion under Section 8 (3) of the Occupational Health and Safety Act.

While it would be obviously impractical on small jobs of only a few workers, it would be irresponsible to suggest that the ministry could not appoint a committee when jobs as large as the International Airport Terminal One described above reoccur again and again. This local union respectfully suggests that the Commission recommend to the Minister the use of his or her power when more than ten workers are to work with a hazardous material, and in particular asbestos.

5. That the provincial government press the federal authorities to start a national registry of all workers who have been exposed to asbestos, including length and extent of exposure, medical records, lung function or other tests, and the worker or his representative must be permitted access to such records upon request.

MR. DONALDSON: (cont'd.) That's the recommendations, Mr. Chairman.

Before I conclude, I would like to just read a couple of letters. About a year ago our local union decided that it would set up a health and safety committee. Not a joint health and safety committee...we, of course, aren't allowed those under the Act, but a health and safety committee to look into accident reports that we now get under the Act.

One of the suggestions made was that we should try and get the names of all members exposed to any hazardous material or chemical, and of course the asbestos question came up. Our records weren't accurate in regards to how long a man had worked in a particular job. Once they go with a company, you can move them from job to job without our knowledge, so we decided to write letters to companies who we knew had our members working on jobs where there was an asbestos and other hazardous exposures.

There was a company who worked at the airport who employed iron workers, besides the company that we had been employed with. These were men who did ornamental iron work, another phase of the iron workers trade. They removed partitions, windows, miscellaneous railings and stuff, and they would replace them after the job had been...during the job. Our letter was asking for the names of the men and the time they had worked on the job, and the reply from this company I have just described: "This letter is in reply to yours of April 15, 1980, concerning union members working at Terminal One during the expansion. Our company's attendance at Terminal One project commenced approximately April of 1977...", and that date should be kept in mind, "and finished December, 1977. The union employees who worked there during that

5 MR. DONALDSON: (cnt'd.) period were...", and it goes on to give me nine names. "Exact hours worked would be difficult to ascertain so long after the fact, but since our work involved interior detail and finishing long after the old material was removed and rebuilding done, it is very doubtful that any of our people were exposed to asbestos dust."

10 The letter we had sent was signed by a committee member, not by me. It was obvious they didn't know or they forgot I had been on the job. Those men were there from April, 1977 to December, 1977, in the height of the asbestos stripping. Right through it.

15 This company had employees exposed to asbestos for over a year. They either want to ignore this fact, or really nobody told them. Both are hard to believe.

The company that we worked for was sent the same letter, it was Provincial Metal Craft. This is a company that employs the fellows stripping the asbestos...

DR. UFFEN: Provincial Metal Crafts?

MR. DONALDSON: Venture Metal Craft.

20 "In response to your letter of April 14th, I am enclosing a list of iron workers employed by Venture at Terminal One holding room expansion. To our knowledge this was the only contract of which we were employed which involved asbestos. Allow me to apologize for the length of time it has taken to respond to your request. Unfortunately we were forced to wait until summer help was employed so that our records could be researched.

25 Work on the above project started on December, 1977, and was completed on or about December, 1978."

30 He gives us a list of employees on another sheet.

MR. DONALDSON: (cont'd.) Over that two year period there was at least forty...and that's a conservative figure...of men who worked for that company. He has given me
5 a list of about fifteen.

The first thing I note, although I worked there for six months, my name doesn't appear there. The other things I note...one, two, three, four, five, six, seven, eight...he has eight men who I know for a fact worked longer than I did there, and he has them down for two hours, six hours and four
10 hours.

I won't comment on the letters. I would leave that to yourself, but I would now welcome any questions, Mr. Chairman.

DR. DUPRE: Thank you very much, Mr. Donaldson. I found your oral presentation, like your brief, most
15 informative indeed.

Let me just pick up the names on that letter that you raised at the very end. Now, what is the concern here? Is it that the names that are on that letter are going to be the only record of who worked on that job in case there
20 are any workers compensation issues that arise later?

MR. DONALDSON: That was the reason initially for asking to keep records. One of the reasons, of course, is for compensation in the future and the concern, yes, the concern is now I have to again research the union records and talk to the men that are here to see if they can remember who
25 else was here. The time spent, I guess, is virtually impossible to ascertain.

DR. DUPRE: I am looking at my learned colleague on my left because I am trying to grope for, frankly, what this tells me in terms of record keeping.

MR. DONALDSON: In regards to...

DR. DUPRE: Is the company telling you that
30

DR. DUPRE: (cont'd.) there isn't any?

MR. DONALDSON: There isn't any. No, of course, not.

MR. DUPRE: Yeah. Dr. Mustard, please.

DR. MUSTARD: I was groping for the next session we have with the Construction Safety Association, which has a statement on the proposed regulations in asbestos and has a section on record keeping which seems to me this follows through on that. Have you looked at those regulations, in terms...the proposed regulations about asbestos that the ministry is bringing in? And the question of record keeping? Because it seems to me if I look at what I think is fifteen in that draft regulation, it's still optional at the director's discretion, as to whether records are kept or not. Am I right in that assumption?

MR. DONALDSON: I believe so.

DR. MUSTARD: Do you know?

MR. DONALDSON: No, I don't.

DR. MUSTARD: We may ask it the next time around. So it seems to me, Mr. Chairman, that record keeping here is still...

MISS JOLLEY: It's mandatory. It's our...

DR. MUSTARD: Pardon?

MISS JOLLEY: It's our understanding that the records are mandatory in the proposed regulations.

DR. MUSTARD: Well it says, "The director may". This is a ministry official..."may by order in writing"...this if fifteen in the new draft regulation...

MR. STINSON: If I could just comment on that.

DR. MUSTARD: Yes. Do you want to comment on that?

DR. DUPRE: Yes, please.

MR. STINSON: My name is Dave Stinson from the

MR. STINSON: (cont'd.) Construction Safety Association.

5 DR. DUPRE: Nobody is going to be able to hear you unless you go to a microphone, please.

MR. STINSON: Okay. My name is Dave Stinson from the Construction Safety Association. I think just to clarify what Doctor Mustard is looking at, I believe it's probably in appendix B.

10 DR. MUSTARD: It's your response to the ministry's draft regulations?

MR. STINSON: Yes. This is our response to the ministry's draft regulations. This is not the ministry's draft regulations themselves, okay?

15 DR. MUSTARD: But I think you are quoting the ministry's regulation and then you comment at the bottom?

MR. STINSON: That's right. But we have made some changes there and we have commented on what those changes are.

20 DR. MUSTARD: But is it correct to assume that the way the ministry's draft regulation is worded that it's a director's discretion as to whether or not records shall be kept of the worker, depending upon the nature of the job? That's my quick interpretation of a quick reading of it.

25 MR. STINSON: No, I don't believe that is correct. I think there is a requirement for exposure. The present draft of the ministry's regulations I believe do require that there be some record keeping done. What we have indicated, I believe, and if you could just point out to me, I believe it's section fifteen, is it?

30 Yes, we are talking about, in section fifteen, what we are suggesting there, we have reorganized the Ministry of Labour's proposal there, and this becomes more or less optional at the director's request. The items that he shall

MR. STINSON: (cont'd.) consider in asking for personal exposure records are indicated in section, sub-section two, and that's on page eighteen of the appendix B.

Does that clarify if for you?

DR. MUSTARD: Yes, it highlights the point.

MISS JOLLEY: Well I think to clarify it is that they are mandatory in the proposed regulations, and I don't think the Construction Safety Association wants them mandatory.

MR. STINSON: We'll discuss that the next time, but they are mandatory at the moment in the regulations.

DR. UFFEN: They are mandatory in Ontario, but you made a very...

MISS JOLLEY: Not yet.

DR. UFFEN: ...excuse me, proposal, but it applies to Ontario and I notice that you were careful to say in your last recommendation about federal authorities, this raised a couple of issues, to what extent would your union members move back and forth in renovation activities into other provinces, other jurisdictions? Is it commonplace to move around the country?

MR. DONALDSON: Yes, for a certain percentage. I would say about ten to fifteen percent of our members do move around quite frequently.

DR. UFFEN: So that even if the new regulations come in, there could be possibilities of gaps, significant gaps in the occupational history of a worker if he goes off to a job for two years in somebody else's airport?

MR. DONALDSON: Yes. That's why in our recommendations we are hoping for a national registry.

MISS JOLLEY: Could I just speak to that? It's my understanding that the Canadian Center of Occupational Health and Safety is actually looking at the possibility

MISS JOLLEY: (cont'd.) of setting up a national registry for asbestos workers. I don't think that they proceeded, but that is one of their proposals.

DR. DUPRE: Dr. Mustard?

DR. MUSTARD: I would like to ask you if in 1981, and you went to a similar site and were asked to, as a steel worker, to take on the task, as to whether the arrangements for handling the problem would now be different than they were in 1977?

MR. DONALDSON: Absolutely not. Exactly the same as they were in 1977. It's happening today, at this very minute.

DR. MUSTARD: You said that you asked for a meeting with the Construction Safety Association to discuss this question in 1977, there was a meeting and you wanted to talk about asbestos with them, is that correct?

MR. DONALDSON: No. The Construction Safety Association advisory to the ministry, to the construction as a whole, they come on the job, which they normally do...they do a very good job, I might add, in showing films on different aspects of safety...they did come onto the airport on a number of occasions. On one occasion I spoke to them and they told me they were going to hold a meeting in the near future to discuss safe use of safety belts and lanyards. It was at that time that I spoke to Mr. Fisher and told him about the asbestos problem that we were having, and the battle that the iron workers in particular were having on a daily basis with both their own employer and the general contractor, and could he please add in that agenda, the meeting he was having on the job site, something about the hazards of asbestos so the men on the job would know what they were working with. That was agreed to, and he did bring in somebody to speak to some of the men on the hazards.

DR. MUSTARD: Since in the area of construction in general and preventing accidents, I think the record says that between the labour and management there has been an effective program developed over the last ten to fifteen years, have you made any attempts to work through the Construction Safety Association to try to get at, with the contractors, the asbestos problem?

MR. DONALDSON: I worked in close association with the Construction Safety Association. In fact, I've sat on some committees. But never to my knowledge have we ever got into the asbestos problem too deeply.

DR. MUSTARD: Okay.

DR. DUPRE: Dr. Uffen?

DR. UFFEN: I was struck by a comment you made about the ministry's instructions to provide and make the wearing of approved respirators mandatory, and I think I heard you say it was fortunate that it wasn't implemented because the men would have stopped work. What was the reason for that? The difficulty of working under the conditions with the respirator on? Could you tell me, so I'll understand that?

MR. DONALDSON: Yeah. As I say, the type of work that most constructions workers do...and in particular the iron workers...and on this job where there was no power equipment, we had to manually move beams weighing approximately a ton, and we just couldn't breathe with those respirators on.

DR. UFFEN: Okay.

MR. DONALDSON: Could I just add to that, that throughout the job every welder, every iron worker/welder in that job, never once wore a respirator. And it was known that you didn't wear a respirator, and the reason you didn't wear a respirator was because of the welding shield.

The respirator was about four or five inches

MR. DONALDSON: (cont'd.) from your face and the welding shield wouldn't go down.

5 They knew, the ministry knew that the welder wasn't using them, and we know, and we have brought their attention to the fact that there is welding shields designed where you could use a respirator. They were never purchased, and it's not in the ministry's order that they should get those.

10 So I would find it difficult for them to make it mandatory anyway when it couldn't be done for the welders. Or it wouldn't be done, I should say.

DR. DUPRE: Are there not respirators that are built in such a way that it's a combined respirator and welder's mask?

15 MR. DONALDSON: Not to my knowledge. There is a shield that is built, and it comes out at the front. That would allow them to wear a respirator. Those shields...we told them that they could purchase those shields. And when I say we, I mean the iron workers.

20 But the situation deteriorated daily there, you know. They just wouldn't even speak to an iron worker. We were ostracized on the job because we were trouble makers.

25 DR. UFFEN: I have a followup question. There is another approach that you might...that might be considered, and that is to monitor the working conditions, if possible, in such a way that if the dust level and the exposure becomes hazardous, you know it and stop work. If the monitoring equipment were mobile, then you could put it where it really out to be, not in a room with the window open as you mentioned earlier on.

30 Now, are you aware of any mobile equipment and have you had any opportunity to test such stuff to see whether you can work with it, or whether it gets in the way and causes as much trouble as the other?

MR. DONALDSON: No, I'm not aware of anything like that, but I'm not sure monitoring is the thing. I think there is an answer here and it's a simple answer, and that is, when there is asbestos identified in the construction site, it be isolated and a crew go in there wearing positive pressure masks and remove the asbestos before other workers go in to do that renovation work or removal or whatever it is, demolition.

I mean, I don't see, why would you monitor when you know it's there? Go in and take it out.

DR. UFFEN: As a matter of fact I was thinking about the crews who have to go in and remove it.

MR. DONALDSON: Well, if they were properly instructed not only in the hazards but in the wearing of that equipment...what's...I don't see the purpose of monitoring it...if they are protected from it properly. We know it's there.

DR. UFFEN: One of the points that has been made effectively a number of times is that the processes of measurement and identification are very erratic and unreliable in some circumstances. Part of it is because of the measuring procedure. What I'm searching for is, is there any possibility of a different type of measuring procedure that would give a continuous monitoring and go to some extent to answer the question that the measuring is inadequate? You have made that point very effectively yourself in the brief.

MR. DONALDSON: Maybe Miss Jolley knows of some equipment. I don't, but I would like to just say that at another job, I believe it was 1978 or 1979 at Woolco, where I was involved...at that time as a business agent...it was identified on the 25th of December...April, the 25th of April, and the ministry finally gave some direction on the 12th of May. After they had monitored it and given us results of

MR. DONALDSON: (cont'd.) the monitoring, we had levels as high, I believe, as seven point six, and being on the airport job and seeing this job I can assure you if that was a true reading at the Woolco Store, there was something far wrong. Even where they took the samples at the airport, there was something far wrong with the equipment they were using, because it was as different as night and day from one to the other.

DR. DUPRE: Miss Jolley?

MISS JOLLEY: I think I would like to reiterate John's point about the monitoring though. In the removal of asbestos you are going to in fact have high levels of asbestos fibres released, and it's not...you can't suddenly rush off the job if it's above two fibres. I think that John's point about the personal protection is extremely important, and the removal, but the whole monitoring speaks to the...as I said...the political establishment of standards, and first of all we don't agree that the standards give us any protection, but secondly, they are on a time-weighted average and if an alarm system goes off saying that it's above two fibres, the enforcement is impossible because...and similarly with the twenty minute time span that the ministry is taking for the time-weighted averages. They are not enforceable because the proposed standard, for instance, puts it over a forty hour week, and if they were really going to take people into court with that it seems to me that they would have to be measuring over a forty hour week.

I think that John's point about the measurements are in fact irrelevant in that process, that the problem is the asbestos and the problem is protecting the workers as completely as possible during that time, and the public, from that building.

DR. DUPRE: Mr. Laskin?

MR. LASKIN: Just to follow that up, is it your position that time-weighted average guidelines really don't make a lot of sense in the construction industry? In this kind of operation?

MISS JOLLEY: We don't think they make a lot of sense in any industry, least of all in the construction industry, and that is because largely they are unenforceable because you are not going to have the Ministry of Labour industrial hygienist sitting around for forty hours measuring.

Secondly, I think that we proposed to the ministry a whole idea of industrial hygiene limits, and that is when you drive a car and they place a limit at fifty miles an hour, they don't say okay, for twenty minutes you drove at a hundred and sixty and the rest of the time your car was stopped and therefore, you know, if you average it out you were below fifty. You know, we believe that you set a standard and if you go above that, you are in violation. In fact, that's what they call ceilings, ceiling standards, and we propose that those kinds of things are easier to enforce and provide better protection.

But again, we would say for carcinogens that no exposure is the proper one and therefore the time-weighted average has to be zero.

MR. LASKIN: You would work on the principle of the speed limit...if you go over whatever your standard is, that should bring down the regulatory force of the statute or whatever the sanctions may happen to be.

MR. DONALDSON: Just to add to the question. On construction, especially, monitoring I don't believe is any good at all because things change daily not just when you are working with asbestos. You could imagine each day the structure of that building changes as it is being built. When you are working with asbestos as we were, you could be scraping asbestos all day one day and not at all the next,

MR. DONALDSON: (cont'd.) which did happen and, you know, naturally happens. So unless they were going to be there twenty-four hours a day monitoring, I don't see it any good.

5 MR. LASKIN: Can I just understand your position about when you go into one of these jobs and you do identify asbestos? Is it your position that the rest of the demolition, renovation or whatever operation should basically halt until you have removed the asbestos, or do you say that you should close off the area where the asbestos is found and other
10 activities can go on as long as they are not in that closed-off area?

MR. DONALDSON: I think the answer to that is that when there is something going to be done, when bids are put out for a job, naturally the people who are bidding on that
15 job must go and have a look at the job before they can bid. One of the things they should be looking for is asbestos. So of course if it is identified then, the job shouldn't start until arrangements are made, as we believe, to remove it.

Just to add to the that, I have...

MR. LASKIN: What happens if you find it halfway
20 through the operation?

MR. DONALDSON: Well, I can't think of that happening, but possibly it could. Then I think the job should stop and I don't see that it would be stopped for any length of time.

25 Removing asbestos, I don't believe, is a lengthy thing if you close it and send a certain crew in there to do it. It can be done quite quickly.

30 But if I could just say that I have never, and I'm not saying it has never happened, I have never known the ministry to initially identify asbestos. I have never known any companies to initially identify asbestos. All the sites that I have been involved in, it was always the men on the job who

MR. DONALDSON: (cont'd.) identified it...or a business agent who happened along.

5 MR. LASKIN: Have any of your workers been involved in any of the removal operations in schools? In any of the public schools, high schools?

MR. DONALDSON: No, not to my knowledge.

DR. DUPRE: Mr. Donaldson, I have really found this extremely enlightening. Could I just indulge myself in three final little questions?

10 The first is, to what extent, to your knowledge, do iron workers get involved in demolition of projects where asbestos exposure could be involved? Do you know of any right now?

15 MR. DONALDSON: We are getting into a jurisdictional question now. We believe that iron workers put up the steel, they should take it down. No, we very seldom... we have in some instances where the labourer or usually does the demolition felt it was kind of precarious in the height when it gets really high, they ask the iron workers. But it's usually been done after everything has been stripped and it was only the steel structure left there.

20 DR. DUPRE: Okay. Another question. Have members of your union been involved in asbestos removal in any of the schools in Ontario, that you know of?

25 MR. DONALDSON: No, I don't know of any. You see, this is jurisdiction again, because the iron worker would only get involved with asbestos where...such as the airport, as those Woolco Stores being renovated...where he was to go in there and weld or bolt extra structural steel or miscellaneous iron to the existing iron. Then he would be required to remove the asbestos to allow him to do that. Like a pipe fitter, he would...
30 or an asbestos worker removing it from the pipes. It's kind of loosely a jurisdiction question there.

DR. DUPRE: Well, that really answers my third question as well, so thank you very, very much for being with us this morning, sir.

MR. DONALDSON: Thank you.

UNIDENTIFIED SPEAKER: Could I ask Mr. Donaldson a question?

DR. DUPRE: Could you ask him privately, please, because we must rise for coffee right now. Thank you.

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THE INQUIRY RESUMED

DR. DUPRE: Will you welcome, please, Mr. Stinson, Mr. David Stinson, the Assistant Manager of the Research Department of the Construction Safety Association. You are accompanied by Mr. Doug McVittie?

MR. STINSON: That's correct.

DR. DUPRE: Is that correct?

MR. McVITTIE: Yes.

DR. DUPRE: I apologize for the fact that we are running slightly behind time, but please proceed.

MR. STINSON: We'll try and be expeditious.

First of all, thank you very much for the opportunity of discussing our brief with you and with the Commission.

I would like first of all, I think, to run through our brief and indicate the points that we think are important. Then perhaps we can proceed from there with questions or whatever further information we can provide you with.

Our brief is a commentary on what we consider to be the four basic classes of construction work which involve asbestos, as we know at the present time. We will outline the important problems in these areas. We'll illustrate, I think, and perhaps reinforce what Mr. Donaldson was saying, the importance of identification of asbestos materials in work involving existing facilities and there are a considerable

MR. STINSON: (cont'd.) number of problems yet to be solved in this area, though also I'll try and indicate to you that the construction industry is a slightly different industry from the manufacturing industries. As you are probably aware, occupational health grew out of the manufacturing industries and occupational health, as we know it today and as practiced by the normal team industrial hygienist is a little bit difficult for the construction industry to handle and it has not been well adapted to the construction industry at this point in time. This feature, I think, or this fact, does provide certain, or does mean that the construction industry has certain problems with asbestos, among other things, that other industries don't have, and we'll try and show you because of this why we need a particular kind of regulation, which we'll term regulation by procedure, instead of the idea of monitoring and various other control mechanisms that don't work too well in the construction industry.

The first type of project or first class of project I would like to discuss is the asbestos correction projects. This is, I guess, currently the most visible exposure to asbestos encountered in the construction industry at the present time. It's the type of project we see going on in many of the schools and public buildings around the province.

In this kind of work the contractual obligations often dictate the procedures to be used in terms of protection for both workers and the public. The implementation of these contractual procedures, I think, has resulted in an increased awareness of the hazards among contractors, especially those who are regularly in the business of performing this class of work.

These contractual procedures, I think it's fair to say, in general do provide a reasonable degree of protection for both the workers and the environment. However, procedures

5 MR. STINSON: (cont'd.) do vary from project to project and also from client to client. This variance does cause some confusion on the part of the workers, on the part of people getting into the business of doing asbestos-correction projects and so on, and we feel that if the Ministry of Labour could incorporate a standard set of procedures into regulation for this type of work, it would reduce any variances that we see now, it would reduce confusion which currently does exist to some extent as to what actually is adequate and what actually should be required, and it will provide practical direction for clients, contractors, workers and in general those people that are getting into this kind of work for the first time, or being involved in this kind of work for the first time.

15 I would also point out that the use of the procedural technique which we currently see in the contractual obligations is, I think, an indication of the acceptance of the procedural method of control as opposed to monitoring and various other things which the Ministry of Labour is now proposing.

20 We'll be talking to this at a couple of more spots throughout our brief, this regulation by procedure idea.

25 In our view, exposures from asbestos-correction projects do not pose a major health problem to workers, providing proper procedures are followed. Here's where the variances occur and here's where perhaps enforcement is a bit of a problem when you don't have a standardized set of regulations, when you have to wait for monitoring results and so on. It is very difficult to enforce a regulation, especially in the construction industry.

30 As John pointed out, things...John Donaldson, pointed out things do change from day to day. They even change from hour to hour. On a particular type of job you may be cleaning asbestos off for an hour in a day and the rest of the time

MR. STINSON: (cont'd.) you are doing something else. If the dust is cleaned up, there probably isn't a great deal of exposure during the rest of the time. If you happen to
5 take the readings at the wrong time, you don't get the answer. So we feel that it has to be a regulation by procedure and it has to be instituted upon what I would say is the identification of the material.

So in regard to the asbestos-correction projects, we would urge the Commission to support our position on
10 regulation by procedure, especially with the Ministry of Labour, and promote the adoption of procedural approach in regulations for asbestos, and really for all the hazardous substances that workers are exposed to and that are regulated by the Ministry of Labour.

Another class of exposure is the new-construction
15 exposures. Many construction materials which historically contained asbestos have been replaced by asbestos-free materials. However, there are some products still around which do contain significant amounts of asbestos. We have asbestos-cement pipe, we have asbestos-cement sheet material, we have some gaskets
20 and packing materials for perhaps older equipment as well as new equipment, and these do present exposures to construction workers.

With regard to this class of work, the materials are generally readily identifiable. They may be identified by
25 perhaps the nature of the products, labels on the package, specifications in the contract, and there is usually some means of getting at the identification of the material, which is a problem in some of the other areas.

We feel that adequate procedures are available
30 for control of exposures in this general class of work. Unfortunately, there is again a lack of procedural uniformity,

MR. STINSON: (cont'd.) a lack of worker awareness quite often, and a lack of enforcement which results from less than adequate regulations, or perhaps a nonstandardized regulation which we have at the present time. Again, what we would like to see for this kind of work is the incorporation of standard procedures in regulations. These standard procedures would be instituted without the, without monitoring, merely on identification of the product and the process that you are going to use in the application of it or whatever in the construction process.

The third class of exposure is the renovation and maintenance class of exposures. This is probably the most frequent class of exposure to asbestos in the construction industry at the present time, and it will continue to grow as buildings built in pre-1970 years continue to need more and more renovation, more and more maintenance of various pieces of equipment, and so on. The variety of asbestos-containing projects which we have used in the earlier years can all be encountered in any kind of renovation maintenance project. There's all kinds of things like thermal and acoustical structural installation, boiler and pipe insulation, equipment insulation, fireproofing, flooring, drywall joint filling compounds, electrical fixtures, refractory patching and various other asbestos-containing materials which have been used in construction materials over the years.

The major problem in this class of work, which I think was touched upon by Mr. Donaldson, is what we are calling the identification problem. By identification we don't only mean the recognition of the presence of asbestos, but also the transfer of information to others who may not be directly involved.

As John pointed out, the iron workers were actually the people who were scraping off asbestos in the particular job

MR. STINSON: (cont'd.) at the airport. Yet there were a number of other trades involved in that kind of work or associated with the work that was going on, and many of these people were not aware there was a situation involving asbestos.

So there has to be, I think, some kind of mechanism of transferring the information to other trades, and this is one of the things that is different about construction than the manufacturing industries. In construction we have, especially building construction, we have a large number of what we call subtrades or trade contractors. You have a electrician, you have a plumber, you have a guy that does the drywall, you have the painter, you have the bricklayer. All these guys are, in most building construction jobs, separate subcontracts to a general contractor and all of these trades tend to be working more or less together. Many of them can be working in almost the identical same spot, one over top of the other or something like that. In these kinds of situations the hazardous material of one trade is also the hazardous material that another trade is exposed to, and so the identification problem involves keeping everyone informed.

So we have certainly a problem in terms of transfer of information. We also have the problem of accommodating the possible drastic changes in procedures and in costs to provide necessary additional controls where asbestos is discovered after the job is in progress.

This problem we will be discussing in a little more detail a little later on.

Now, if the presence of asbestos has been confirmed, okay? And provisions made when the contract is actually arranged, adequate procedures are available to control this class of exposure, but I would like to make the point that without identification taking place and without the

MR. STINSON: (cont'd.) identification process in operation these procedures can't really be instituted, won't be instituted.

5 Again, with regard to this class of work, we would like to see standard procedures in regulation form so that at least if identification is made, the whole industry...worker, employer and client...will know exactly what is expected of them. It may be very clear to a lot of us who have been
10 dealing with asbestos perhaps in the last few years exactly what should be done, but to the guy who is perhaps looking at this problem for the first time it may be very confusing, and that can be the employer or the worker or perhaps the client. So I think what is needed is not so much a lot of background information on asbestos, but a good set of regulations which will
15 point out exactly what should be done and exactly what procedures should be used. This is also necessary, I think, for clients in terms of planning their work, for engineers, for instance, or architects, who are involved in the renovation work in letting contracts and this kind of thing.

20 The fourth class of work which I would like to discuss is the exposures in demolition. By the term demolition we mean the dismantling and removal of buildings, mechanical installations, equipment structures and so on, and this is as opposed to renovations which perhaps may involve something akin to demolition but does not really mean doing away with a
25 structure or a large amount of structural material.

30 The sources of asbestos which may be encountered in this kind of work are exactly the same as we encounter in renovation. They are all the materials, the various kinds of asbestos materials we have used over the years in building construction. There is no way of getting away from them, they are there, and where buildings have to be demolished these materials have to be handled.

MR. STINSON: (cnt'd.) Presently I would think that the most frequent exposure in the demolition area in terms of asbestos would be in the mechanical installations. We have not seen as yet a large number of buildings involving asbestos fireproofing coming down, although they will be coming up before too long, I believe, and there have been a few here and there for one reason or another, but most of these buildings really haven't reached the age where demolition is contemplated at this point in time. They are, I would guess, what you would call at the renovation stage.

So our first concern again in this class of work is what we would call, what we have called the identification problem. It's probably even more of a problem for demolition than it is for the renovation work. At least in the renovation work some attempt is usually made at a redesign of the building, the plans are generally a little more up to date, there is generally a little more information around on the building itself.

In terms of demolition, there really isn't very much in a demolition contract except to say remove the building, and it's a building at a certain address, you take it down one or two feet below grade level and hold this harmless from every type of problem that you might encounter with the public or the neighbors or anyone else. Outside of that there is really nothing in a standard demolition contract to tell you what you have involved, and quite often there is no good way of finding out. You can suspect, you can guess, and if you do perhaps make a guess that the materials are there and allow for it in your contract, and you turn out to be wrong, you have probably lost that particular tender for sure. So it's a very difficult problem for demolition contractors. They are usually discovering asbestos after the fact and they are usually stuck with the bill. I guess I would have to say there isn't much incentive to discover asbestos in what you are demolishing,

MR. STINSON: (cont'd.) if you are faced with that kind of a condition.

5 So in regard to demolition we feel there is certainly a problem in identification. The second problem is we find that really there is no...there has been no good research in terms of what should be the practical procedures for demolition. Whether or not the questions, as I have suggested here in the brief, are should asbestos materials be removed prior to demolition, should asbestos material be encapsulated
10 prior to demolition, should asbestos material be wetted down and removed with other materials to which it is attached?

We don't know the answer and we have been looking around to other people and quite frankly we haven't seen anyone who really has a good answer to that. We feel that a fair
15 amount of research has to be done in this area. We have to look at methods of demolition and see how the knowledge that the demolition industry has in terms of their procedures and so on can be combined with what is required in terms of worker protection and public protection in order to achieve practical and economical demolition.

20 So we are faced again with really the double-barrelled problem. First of all...and we really have another problem in this case as well...first of all we have the identification problem. Secondly, I think we have to do some research into what exposures are produced by this kind of work, both for the public and for the worker. Thirdly, I think we
25 have to develop regulations or procedures which will adequately protect against those exposures, and the fourth thing we have to do is again put these kinds of things into a practical form of regulation, regulation by procedure, which the construction industry can use.

30 So as far as our concern in this area, we would like the Commission to address again the problem of identification

5 MR. STINSON: (cont'd.) in this area, to look at development of a practical and equitable framework for responsibilities with respect to identification and contractual obligations, and to accept the concept of regulation by procedure here and promote the development of procedures with the demolition industry, and then in turn assist with incorporating these procedures into regulations.

10 On page eleven of our brief we have elaborated on what we call the problem of identification. We feel this is perhaps the most important thing we have mentioned in the brief. If the identification problem, with all its facets, are not addressed properly, it doesn't really matter whether we have good enforcement, whether or not we have good regulations, we will not adequately protect workers or the public. We will
15 perhaps do a lot of, make a lot of effort, but it will not be cost-effective and in general I think you can't...it's something that you have to say if you can't really define what it is you are working with, you really can't solve the problem. It involves a client and contractor responsibilities, it involves contractual conditions, it involves the physical difficulties
20 involved in identifying the asbestos, and by that I am not just talking about laboratory or on-the-spot identification, I am talking about physical difficulties in looking through that ceiling there and determining whether or not there is asbestos fireproofing on the structure above. It involves worker
25 awareness. I think we have a long way to go yet in terms of worker awareness. Even when workers are aware or are advised, they have become so used to these exposures, to being in them, that they in some cases fail to realize the gravity of the situation. The asbestos-related health problems are long-term and people tend to, we find tend to perhaps be a little bit
30 skeptical. They believe it won't happen to them, and so on.

MR. STINSON: (cont'd.) So the awareness problem is difficult and a lot of work has to be done in this area.

There are multiple employers, as I mentioned before, and there are cost escalations, and it's very difficult to ask someone who is going to be faced with a cost escalation to identify asbestos. He is not going to do it for you. You are going to have to do it for him.

So in terms of the identification problem, we have to, I think, sort out the responsibility for physical identification of asbestos-containing materials.

Ideally the identification should be done prior to contractual arrangements being finalized, and unfortunately, as I pointed out, physical difficulties often prevent this from being accomplished. If you are going to demolish a building for instance, a client will usually want to keep his tenants or whatever in the building up to the last minute, and a tenant does not appreciate somebody going around the building knocking holes in the walls and so on looking for asbestos. Quite often a contractor, a demolition contractor, will be asked to sign an agreement prior...several months perhaps...prior to the tenants leaving the building. So it's a difficult problem and many times the asbestos has to be discovered after the job is progressed.

Unfortunately, also in these arrangements, there is no provision for escalation of costs. So when asbestos is identified, the demolition contractor really doesn't have a lot of incentive to recognize it.

With regard to concealed materials, unless the contractor has made provisions he is just not going to find it. The client also is probably not very interested in finding asbestos on the job. It's going to cost him more as well.

It is unlikely that the workers would be able to identify these materials because laboratory identification

MR. STINSON: (cont'd.) is often necessary.

5 So in view of these facts, it is unlikely that these exposures will ever be adequately controlled unless the problems posed are resolved and responsibility is assigned in a fair and equitable manner.

10 Up to this point in time I would have to say that clients are probably getting a good deal in terms of demolition involving asbestos. I think in the future if the identification problem is solved it is going to cost them more, and probably they would have some responsibility as well for identification of the materials.

15 So in regard to this we would urge the Commission to address the problem of identification, to consider the problems faced by construction employers in dealing with the discovery of asbestos after a contract has been finalized, to address the problem of communicating the presence of asbestos to all potentially exposed personnel, and to develop a framework of responsibilities for determining the presence of asbestos in the workplace.

20 I would like to sort of close off by talking about regulation by procedure. I understand that earlier on in the December meetings compliance capability was mentioned as being the key to legislation, and it was pointed out that this requires that legislation be practical and reasonable. In the construction industry the traditional legislation or regulations for controlling exposure to hazardous materials, or to safety problems, has been a regulation by procedure. However, traditionally in occupational health we look for air monitoring, medical surveillance, and these are, I think, probably quite reasonable in fixed industries, but they are very difficult in the construction industry. We have a very mobile work force. We have considerably less management control of the workplace, if you will. We have a large

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MR. STINSON: (cont'd.) number of subcontractors inhabiting the same workplace area, and a number of other conditions which are, I think, adequately covered in the
5 appendices to this brief and to which I won't go into now.

We have pointed out I think here in the brief that certainly air monitoring is difficult, probably not very effective, certainly very costly. We have a large number of small employers in our industry across the province. There are
10 some thirty-odd thousand contractors. The predominant number of contractors are perhaps employing less than ten employees, so it's very difficult for these people, perhaps, to do monitoring themselves. It's also very difficult to keep them advised as to what procedures are needed, but one thing that has been done in the province in terms of safety is there is a
15 very good set of safety regulations. Some of you may be familiar with those safety regulations. They are the envy of many jurisdictions not only in Canada, but in the world. They are essentially regulation by procedure, and they are written in such a manner that the average workman and employer can interpret what is required of him in terms of safety for various
20 kinds of operations and conditions on the construction work site. What we would like to see in terms of occupational health in general and in asbestos in particular, is a similar set of regulations. We don't feel that we are ever going to adequately educate, in terms of the health problems of asbestos, the
25 dangers of it, and various other things, the average person in our industry. But we certainly can provide him with a set of regulations which he can follow and which can be used and which will produce the desired results that we see other industries getting from perhaps more sophisticated approaches.

So in closing, what we would like to ask the
30 Commission to do is to help us in influencing those people in authority to establish this kind of regulation for asbestos, to

MR. STINSON: (cont'd.) help us in terms of perhaps providing what is necessary in terms of research, especially in the area of demolition, and to develop a practical framework of responsibilities to adequately solve what we have defined as the identification problem.

As I said, we feel this is most central to many of the difficulties we face in terms of asbestos in our industry.

One last thing, it has been suggested by some people, we are aware, that licensing perhaps is a solution to this whole problem of dealing with asbestos. We must point out that licensing will not solve all the problems posed. It may not solve any of the problems posed. No matter what agency or organization performs the work in terms of construction, in terms of demolition, they will have to use a regulation by procedure or a procedural method of controlling the work whether or not we are using standard occupational health procedures or approach to regulations. These same procedures will have to be used because in the final analysis no matter who does the work, the same workers will actually be doing it.

So we feel that a regulation by procedure is most important and as far as licensing goes, if we are to have licensing we would hope that the licensing could actually involve the individuals supervising the work. We know that this kind of approach has been used for blasting in various municipalities across the province. It has worked very well. We also understand that this is the approach being taken in terms of insulation for residential purposes, and so if licensing is required to handle this work, we suggest that the licensing be to the individual supervising the work as opposed to the company doing the work.

Thank you very much. We ask...are there any questions?

DR. DUPRE: Thank you indeed, Mr. Stinson, and

DR. DUPRE: (cont'd.) you can be confident that there will...the Commission does indeed have questions.

5 I thank you for your brief. I thank you too for the appendices, which are most informative. I would simply, before I ask a question, would open by sharing with you my reflection that the material you cover here is vitally important not least because it deals with the problem that we cannot do away with. Even if you posit a situation where we could ban
10 all nonessential uses of asbestos, we would still have an asbestos-exposure problem in the workplace that is bound to last many years after the youngest person in this room has hit the biological wall, as Dr. Mustard likes to say, because we are going to be demolishing buildings in this province over the next hundred to hundred and fifty years.

15 Could I ask my own opening question by going right to one of the last points you made in your brief and in your presentation? The notion of contractor licensing, and as I take it, among other things, you would want licensing to involve the person directly in charge of the work, thereby
20 placing responsibility right at the workplace. Could I just as you this, is licensing a means of solving the iron worker identification problem that Mr. Donaldson brought to our attention just before the coffee break?

25 MR. STINSON: No, I don't think it is. As I pointed out, or I perhaps didn't point out but I certainly tried to point out, we are not really proposing licensing. We don't really feel that licensing is a solution to any of these problems, really, but...

DR. DUPRE: I appreciate that.

30 MR. STINSON: If licensing is contemplated, we feel that it would have the most effect at the point where the action is taking place and this would be the individual

MR. STINSON: (cnt'd.) supervising the work, as opposed to the contractor. We feel that licensing of the contractor...well, in cases where a licensing has taken place in other jurisdictions, it has not really solved the problem of perhaps incompetence or inexperience. It's the sort of thing where if you pay your dues you can usually get a license, and this kind of situation really doesn't solve a problem in our point of view. What you need is experience and knowledge and we feel that this must at least be the person at the point of activity, or the supervisor on the job.

But I don't really feel that in general licensing is a solution to any of these problems. I think that's...I think I can safely say that that would be the point of view of our organization.

DR. DUPRE: I'll take that as given then. Now, does your Association have any useful suggestions for solving the worker identification problem that Mr. Donaldson brought to our attention on behalf of the iron workers?

MR. STINSON: In terms of worker...I don't think we have a solution really to the identification problem in general. As I pointed out, there is a great difficulty for the iron worker or any other worker, in many instances, to determine that he is faced with an asbestos exposure. It may be in many instances the exposure to a worker is not even caused by that particular worker. It's perhaps some other worker in some other trade. As I was pointing out during the break, if an electrician comes in to this room here and perhaps he does some repair on the lights, and I really don't know whether this building has got asbestos fireproofing or not, but it was certainly built in the right era and I suspect it may well have... there could be an exposure not only to the guy doing the work on the light, but there might be an exposure as well to the guy sweeping the floor. Neither one of them would really know

MR. STINSON: (cont'd.) that they have an exposure. So this is the kind of thing that a worker is faced with. If he feels that there is a problem, the thing he can do of course is bring it to the attention of someone, and failing that he can always have the Ministry of Labour do a test. But as Mr. Donaldson pointed out, it takes a long time to get the results back.

But there is...the worker identification is not really the route to go. It's perhaps the only route for the worker at the moment, but the identification problem has to be addressed. There has to be some responsibility....a practical and feasible responsibility, in terms of identification.

It's very hard to say where that responsibility should be and far be it from us to determine where it should be, but some of the points to consider are...should, for instance, architects, engineers who are redesigning, perhaps, this building for a different purpose...be required to make some kind of assessment as to whether or not there will be exposures or are perhaps materials which asbestos in the building.

This problem often occurs where a contractor takes a renovation job and he really doesn't know what he's faced with. He may have a set of plans, but they may not indicate there is asbestos there. There may have been renovations to the building and as one demolition contractor pointed out to me this morning, occasionally he may get a set of plans, the building may be fifty or sixty years old and any similarity to the plans is really purely coincidental...to the building that is existing at the present time.

So there are a lot of problem areas here with responsibility. I don't say that the clients or the architects and engineers should have full responsibility. What I think probably is needed is some arrangement whereby escalations in

MR. STINSON: (cont'd.) cost can be accommodated in the contract, and probably this kind of route would be the best place to look at the moment. But there may be other better solutions, I don't really know, and we are not suggesting that that should be the solution, and I think in our brief we really have not made any concrete suggestions in that regard. We are merely pointing out that there is a very serious problem and it's not as simple as saying the contractor is responsible for making an identification because in many cases it is simply not feasible for him to make the identification. It should be someone else. Sorting that whole mess out is not a simple matter.

DR. DUPRE: I appreciate that the identification problem is like a centipede, but I'm proceeding on the assumption that a centipede is going to put his shoes on one at a time like the rest of us. You see, in that connection I'm just trying to put a show on the following foot: I am assuming that asbestos has been identified on the job, whether early or later or whatever. Have you any useful suggestions that we should consider to help ensure that there will be a record of the individuals who have worked on an asbestos-related project should any compensation or other claims come up afterwards?

MR. STINSON: Well, in terms of identification of the people working on the job, again this is very difficult because people don't often, at the present time and under the present conditions, realize they are working in an asbestos exposure.

DR. DUPRE: Yes, but I have assumed that problem away for the moment.

MR. STINSON: Okay. So if everybody is now, if we can assume now that this job you are talking about, everybody is knowledgeable, okay?

DR. DUPRE: Okay.

MR. STINSON: That there is an asbestos exposure hazard, okay?

DR. DUPRE: Good, yes.

5 MR. STINSON: And we are talking then about identifying who was on the job, how long they were there and so on.

DR. DUPRE: Yes.

10 MR. STINSON: I think this could probably be done. But if you are talking about this for compensation purposes, that's probably...that probably can be done. If you are talking about it for health purposes, I really can't see the, I guess, what it would really do. Except you could say this guy maybe or maybe didn't have an exposure, because you will not know exactly what the exposure was.

15 The same really goes for the compensation situation. You may or may not know whether the guy did in fact have an exposure. What you do know is that he has been in an area where there was asbestos, and that's about all you know. It's impractical and impossible, really, to measure
20 asbestos exposures for workers in construction because they vary, they vary every five minutes, perhaps. They vary from one area to another. They vary the hours of the day. They vary with the season of the year. And to really use those kinds of information, you are sort of like skating on thin ice if you say... because I've been in this room and there is
25 asbestos fireproofing here and somebody was working here, I deserve compensation. It's a very difficult problem, and we haven't addressed compensation here in our brief, but it is the same sort of problem as the identification problem, really.

DR. DUPRE: Dr. Mustard?

30 DR. MUSTARD: I must say I am impressed with the problem that your group and Mr. Donaldson have given us this morning. I must say I'm also impressed by something else, that

5 DR. MUSTARD: (cont'd.) we have some loyal
representatives of the media here this morning, but the deluge
we had here yesterday is not present. I suspect the problem
we are looking at here for the long term is one that, if we
want equity for the work force and fair play, is one in which
we have to come forward with something very important because
ten years down the road there may be no interest in asbestos
like there is today, yet the problem you are putting before us
may really be following quite a few people for a long time. So
10 I'm very grateful to the loyal colleagues who are here from
the media perhaps in recognition that this may be one of the
most difficult issues we have to face.

15 That leads me to trying to place some ideas with
you along the lines that Dr. Dupre has been addressing, to see
if there is any way we can set in place something now which will
ensure for the future solid protection in an area and that it
won't be forgotten.

20 The identification issue you have addressed,
you have skirmished with the record issue for this work force,
we have had quite a few submissions that say there should be
no exposure to asbestos, and it's an interesting question
because when you get into the question of dose-response
relationships, in all the evidence we have had it looks pretty
linear, and what do you down there at the bottom end? Do you
guess or do you throw somebody at risk, or do just say no, no
exposure?

25 Supposing that in respect to your area of
operation you went to something like identification...yes,
it's going to be complex, but the worker must at least be aware
of the need for identification, as well as the contractor.

30 I am going to list some questions for you to
respond to: Can your organization not help in that area...you
may want to come back and answer that one later on..... both

DR. MUSTARD: (cont'd.) the contractor and the worker?

Don't answer it now, because I want to give you a series of questions.

MR. STINSON: Okay.

DR. MUSTARD: The second one that comes up is a question of records and exposure. If it were feasible to develop systems for handling areas where asbestos is identified in which the use of control equipment for the worker as well would give him protection from exposure to fibres except in unusual circumstances where he couldn't have that protection, could you not bring in then a mandatory monitoring of those occasions where the risk of exposure was present? I'll put it simply: If you are using control equipment for the worker...positive pressure masks, etc....you might not require monitoring of that. But if you had to break that down, then monitoring would have to take place and go into the record, and again since you have been involved in this kind of thing as an organization, can one start to work up guidelines and approach it like that, and then could you develop a record system which would be kept someplace that would keep that in place for the worker, with access to the worker, and where do you think the records might be kept if one went that kind of route?

Then finally, is one which I toss again to your organization, it seems to me that with transient work force that moves in and out with contractors in the system, there is a need, in contrast to the regular stationary work place, some kind of arrangement whereby management and labour can get together to address these issues and maybe even serve, as you put forward in your brief, some kind of team at workplaces to handle things. Again, my question comes back to that, is that a role for an organization such as yours to promote this

DR. MUSTARD: (cont'd.) kind of development?

5 So I'm really tossing questions, what's your
role and are you the benchmark that one might look at, your
organization, in terms of from the standpoint of both labour
and management facilitating the long-term monitoring of this
field in the future? I realize that is not under the terms
under which you act officially, but I'm trying to think if there
is some way we can get some kind of focus that will maintain
the thrust for the future.

10 MR. STINSON: Okay. I'll try and answer all
those questions, and starting I think perhaps with question
number two where you were talking about monitoring for mandatory
types of equipment, perhaps positive pressure breathing
apparatus. Perhaps when we were talking about a regulation
15 by procedure I neglected to mention that in developing
procedures we, what we advocate is a monitoring of typical
operations.

Now maybe I could just dwell on that for a moment.
For instance, if we were to...and this work has already been
done, primarily, so there's no need for us to do it again...at
20 least we don't feel there is at the present time unless
somebody comes along with some new evidence or advice or
whatever, but we would take, for instance in stripping, let's
say, a generator, an old generator, we are taking off asbestos
insulation. We know if, approximately what kind of exposures
are going to come from that kind of a situation when certain
25 procedures are followed. So our regulation by procedure is
based on typical monitoring, if you will, and we know that if
you are taking off fireproofing, dry, you should probably...and
you are taking off any amount of it, and I'm not suggesting
that perhaps you would need to do this if you are just stripping
30 off a little bit to put a bolt through or something like that...
if you are doing any kind of a sizeable stripping job and you

MR. STINSON: (cont'd.) are doing it dry, you need positive pressure breathing apparatus because we know that it's possible for the exposures to get very high there. You
5 can probably get, you know, perhaps...well, I don't know really what the limit might be, but you are certainly going to be well over fifty fibres per c.c. under certain circumstances. If you are, you probably should be wearing positive pressure breathing apparatus.

10 So procedures for doing dry stripping, for instance, would indicate that you would wear positive pressure breathing apparatus. It would not be based on monitoring at the particular job, but it would be based on monitoring typical operations doing that kind of work.

Does that answer question number two?

15 DR. MUSTARD: It is a bit of help, yes.

MR. STINSON: Okay. In regard to the record system of exposures, again we are coming back to the point that, as I mentioned before, that the exposures really don't tell you a heck of a lot unless you are doing monitoring all the time, and it's very difficult to monitor continuously on
20 a construction job.

DR. MUSTARD: I guess what I was saying is, a restricted monitoring to circumstances where you cannot provide absolute protection to the worker.

MR. STINSON: When you say absolute protection, you mean absolute protection in terms other than personal
25 protective equipment, or...?

DR. MUSTARD: No, you can use personal protective equipment, but I'm thinking of a situation where you might not be able to use that yet the worker still had to do something which involved getting rid of asbestos.

30 MR. STINSON: Would purpose would ...

DR. MUSTARD: Or can you give them absolute protection all the time?

5 MR. STINSON: Again, I would have difficulty conceiving of what that might be. People generally can make arrangements to do what is necessary. It may be difficult for them, it may take a long time and it may be costly, but usually personal protective equipment at least can be worn.

10 If it couldn't be worn, perhaps you might want to monitor, but again, you know, I wouldn't recommend that a person go that route, really. I wouldn't recommend if, perhaps, monitoring would tell you down the road whether or not the guy, you know, got an exposure that day, I suppose, but I wouldn't recommend that a person do that. I think that would be foolish to try and go that route. That's like saying, you know, you've taken a dose of something and you may die and you may not, and we'll at least know what happened to you down the road. It would
15 be far better to modify the procedures because..and like I said, usually this can be done.

DR. MUSTARD: Then in a sense you are really saying that the procedure should be no exposure? That the worker should be protected...?

20 MR. STINSON: Yes. Essentially I think that's what we are saying. We are saying that the procedure should be such that the exposure is just limited to so small an exposure... I don't think you can ever say there will be no exposure, but you can certainly develop procedures which, if followed reasonably closely, will get very close to that. And we are
25 suggesting...we are not suggesting that you base anything on monitoring. We are suggesting that if the material is there and if you know of situations that have caused an exposure in the past with a similar operation, you should institute the controls necessary to prevent an exposure.

Does that answer that question?

30 DR. MUSTARD: Okay.

MR. STINSON: In regard to the transient work force and management and labour, we do act as secretariat for a number of labour/management committees across the province. I don't know whether it's eleven or twelve now.

MR. McVITTIE: Twelve.

MR. STINSON: I believe there are twelve regional labour/management committees and one provincial labour/management committee. The provincial labour/management committee is made up of members of the provincial Trades Council, I believe, and members of our own construction industry, people, executive committee of the CSAO, which are made of contractors, so we do have labour/management committees. I can't really say that these committees have got deeply into occupational health at this point in time. I think they probably will and they certainly have been exposed to the information that has been generated in relation to pending regulations and so on, but I can't really say that labour/management committees have really gotten into occupational health and looked at, perhaps, occupational health problems that are on a local basis. I think they probably will and we are hearing some rumblings now and asking for, various committees asking for information and so on. So I think that will take place.

It's kind of a slow thing, and again, a lot of people have been perhaps exposed to asbestos and not really knowing they had an exposure. Most of the industry, I feel is in that kind of position, and the interest has certainly heightened in terms of labour and management getting interested in this problem since we have been looking at the asbestos-correction projects.

DR. MUSTARD: But you might be a vehicle whereby labour and management could, should come together to establish common understanding and procedures to handle this problem, is that correct?

MR. STINSON: Yes, certain from the construction industry's point of view, and I would point out to you that the labour/management part of the construction industry, the committees that we act as secretariat for, have had a look at this brief which we have submitted to you, and they are, I think, in total agreement with our idea of regulation by procedure and with the idea that there is an identification problem.

I think you have to appreciate though that labour and management alone cannot solve, necessarily solve the identification problem. The construction industry in general responds to clients, and there are many ways that this is evident. You know, everything in construction happens on an emergency basis. A client, be it government or anybody else, decides they want to build a building and they get tenders and so on, and they phone a contractor up on Monday and away he goes. So this kind of thing influences the operation of construction as well as...it influences renovation and demolition as well as building a building from scratch.

DR. MUSTARD: Okay, let me pose a problem to you. Suppose I am a member of the work force and I am contracted to go and work with a contractor on a building, and I am suspicious of the material in the building, but it has not been identified. I presume today I could, through the new proposals coming forward, get the materials identified and it comes back that it's asbestos and I refuse to work because the control procedures are not there. How is that to be handled?

MR. STINSON: That would be handled by the enforcement agency, which is the Ministry of Labour.

DR. MUSTARD: Now let me also put through...now the contractor has already put a bid in to do it, not having identified it?

MR. STINSON: That's right. Now he is stuck with it.

DR. MUSTARD: Okay. Thank you.

MR. STINSON: Okay? This is the problem I am pointing out, is really the way the thing operates at the present time...you know, if somebody does catch up with the contractor...he is left carrying the can. We feel that the system should somehow be reorganized so that a contractor, at least in some instances, has the incentive to discover asbestos. He is...I would point out that he is the most likely person to be able to make the discovery.

DR. DUPRE: Isn't it relatively easy to put a standard clause in construction contracts that would lick that part of your identification problem? In other words, if asbestos found then there are legitimate cost overruns?

MR. STINSON: It possibly is, but right now I don't think that, as far as I am aware, there are very many standard clauses that are required by the law in a construction contract.

DR. DUPRE: But there have been some.

MR. STINSON: Yes, there have been some.

DR. DUPRE: And there could be more?

MR. STINSON: There could be more. I wouldn't know which agency would perhaps be the agency involved or the organization to bring forth legislation, but it's a possibility.

DR. DUPRE: Dr. Uffen?

DR. UFFEN: Yes. I wanted to follow up a little bit on one of the points that you just dealt with, the labour/management consultations. There is a pretty extensive appendix in the one that Concord Scientific Corporation did. To what extent would workers have been consulted about these recommendations in here, particularly from the point of view of whether they are applicable...that is, can they do their work with, if these procedures were invoked?

MR. STINSON: In terms of the recommendations

5 MR. STINSON: (cont'd.) in the Concord Scientific report, those specific ones themselves, that report is very recent and certainly the labour, our labour/management committees have not been apprised of that. Okay? In terms of the regulations which we are proposing to the Ministry of Labour, which is appendix B, the construction labour/management committees across the province are apprised of it and as I said, they are, to the best of my knowledge, whole-heartedly in agreement with what we are proposing there. That they are feasible, that they are reasonable and that they are in general practical.

10 DR. UFFEN: Can try another one with you? We have had in existence for a long time, with varying degrees of success, a National Building Code. Do we now need a National Demolition Code?

15 MR. STINSON: An attempt was made by the Canadian Standards Association to bring out a standard for demolition a few years ago, and we participated. That standard, to the best of my knowledge, has never really been finished. The reason it wasn't finished is because it was based to some extent on construction regulations or a code of practice, if you will, which was organized by the federal government through the National Research Council. Because all the provinces have their own jurisdiction, their own regulations and so on, that was dropped and subsequent to that the demolition standard had to be revised, and it never has been. So I think there probably could be a national standard which could be used by everyone. Perhaps it might cover this kind of thing in terms of occupational health of not only asbestos, but various other substances which we perhaps would run into. But I think it really has to be done through the Ministry of Labour here in the province, is my own personal

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MR. STINSON: (cont'd.) feeling, and I think the Association would agree with that.

5 MR. UFFEN: A couple of quick ones. The question of identification has now been pretty seriously...or identified. What about the possibility that the first...well, two ways identification can take place. One is that you have plans for the building and you know that the asbestos was there because it was put in in the first place. But there is a point you raised about a building which may be a little bit older and
10 the plans are nonexistent or all wrong or something. The workman is the one who is likeliest to discover it first, isn't he? The guy who knocks the wall down and finds the pipe that is not in the plans?

15 MR. STINSON: I suppose if he knew what he was looking for, it might well be. Unfortunately, in general I would say the workmen are quite often, perhaps, not familiar with the materials.

DR. UFFEN: What about the possibility of establishing some training programs where the workman could learn...

20 MR. STINSON: Certainly...it is certainly something that could be done, and I think is being done to some extent. However, I would point out again that I think really the people that I feel have the best opportunity and are most likely to make an identification are the contractors themselves, and I think some incentive has to be put into the
25 identification problem to make it interesting for them to do that.

30 DR. UFFEN: If I may be personal just for a minute, I remember when I worked, long ago, underground in a mine called the Resurrection Mine, and we went into old adits that had been reopened. It wasn't the mine manager who discovered the bad air, you know, that you couldn't breathe. It was the fellow who went in with the pipe in the first place,

5 DR. UFFEN: (cont'd.) and it didn't take much skill to learn that it was dangerous to work there, or to suspect it. It also didn't take long to identify that there was a problem. The degree of the problem became difficult.

This brings me back to one more thing which I have been searching for and I'm getting quite good signals.

10 I visited the Cricklewood Research Laboratories in England, and they have a research program there which I haven't heard of anything similar in North America, for mobile monitoring equipment which was miniaturized to the extent that the workman could take it into a working place and monitor where he was working...not the whole building. Now, is your association able to sponsor such research, or do you think it's useless or would be useless?

15 MR. STINSON: Certainly, I guess, if we felt that monitoring was the problem or if monitoring was the way to operate, we would probably look for something of that nature. In actual fact if you really want to get set up for it, I don't think there is any problem with getting a fairly instant reading providing you have microscopic equipment or whatever
20 available, say in a van outside- you can take a sample, whistle down to the van and if you have an individual there with the correct skills you can probably make an identification quite readily.

25 So getting a quick answer I don't think is necessarily a problem. It's the cost of doing and the number of people that would be required. We don't feel that monitoring is the way to go, period. We feel that you should identify that the asbestos is there and that if it's identified as being there and if typically using or working with that material, either demolishing it, cutting, whatever you are talking about,
30 there has been exposures, then you should institute controls which will adequately cover those exposures.

DR. DUPRE: Mister Laskin?

MR. LASKIN: Are the controls that you are suggesting, the regulations you are suggesting, are they the ones that are your alternate proposals in the appendix to your brief?

MR. STINSON: Yes. In general, yes. We are not necessarily, I would say, married to those. I think that probably in all likelihood as knowledge of exposures and so on progressed we would probably be suggesting perhaps down the road some modifications to those procedures, but certainly we feel they are a very good start.

MR. LASKIN: Are you suggesting number one that they be part of the legislation?

MR. STINSON: Definitely.

MR. LASKIN: Number two, that they then form part of every construction contract to which they relate?

MR. STINSON: Having them form a part of every construction contract might be difficult, although perhaps not impossible, but we certainly feel they should be part of construction regulations. That's really our whole thrust. We feel that our industry is different, that it needs a regulation-by-procedure approach, and that we have to have regulations written up which are a guide to not only just contractors, but clients, workers and so on. If workers...for instance, if asbestos is identified or possibly identified on a job, many cases the worker really doesn't know what should be done. If a set of regulations were available, and there are a lot of workers who now have copies of the Construction Safety Regulations, if they had a set of these regulations they would be able to know exactly what kind of controls should be instituted, what kind of respirators they should be issued with, this kind of thing. This kind of information is not generally well understood by the work force.

MR. LASKIN: What's the objection to making them part of the contract?

5 MR. STINSON: I don't really have any objection to making them part of the contract. I think it would perhaps be a very difficult thing to accomplish, that's all. I'm looking at it from a feasibility point of view. Knowing and having experienced the construction industry myself, I think you might find it difficult to perhaps implement. But I
10 certainly would have no objection to it. In fact, we would probably welcome it.

MR. LASKIN: Just one other quick question. While you reject monitoring and so on, in terms of record keeping do you agree that there should be at least records of the amount of time that a particular worker is working with
15 asbestos with protective equipment or whatever? Do you believe that those records should be kept?

MR. STINSON: Yes, for situations where there is a continued exposure, I think probably that's true. In our suggestion in appendix B to the Ministry of Labour, we are indicating that probably the director should decide where
20 those things are, where those situations are.

I would find it very difficult myself to define exactly what those situations should be and how you would go about actually making it work in a practical fashion.

MR. LASKIN: I know...presumably if you adopt
25 your process of regulation by procedure, or whatever, isn't it just part of that regulatory process that you also identify the employees who are subject to those procedures and the amount of time they are subject to them?

MR. STINSON: This could be done, but this...as
30 I pointed out...this is not really identifying exposures necessarily.

MR. LASKIN: But it's identifying people who

MR. LASKIN: (cont'd.) have worked with asbestos.

MR. STINSON: It's identifying the situation that the guy was there.

5 Now, again, the point I was trying to make and probably didn't make it very well, was that you can identify that the guy was there. What you can't identify is whether or not his exposure was related to health. You can't really say the system was working or it wasn't.

10 I think the cost of doing it, as far as our point of view is concerned, the cost of doing it would probably be so great that we couldn't really...we can't quite honestly, as an association, see the benefit. If you had exact measurements, in other words if you are in a manufacturing plant and you know that manufacturing, you know, 15 asbestos gasket material or whatever generally has an exposure of three fibres per c.c. in the winter time when the windows are closed and so on, and is the same every day, then I think there is perhaps a value there. Construction is not like that. The cost would be greater for us doing it and we really wouldn't be able to use the information the same way as those 20 people would, to the same benefit.

Have I explained that?

MR. LASKIN: All right. I hear your point.

Thanks.

25 MR. STINSON: Okay. It's not that we don't feel that perhaps, you know, that monitoring would be nice... would be a nice...the information wouldn't be nice to have, it's just that we fail to see the value of the information in relation to the cost that would be involved.

30 DR. UFFEN: Could I follow that a little bit with an analogy? Suppose you were required to submit a bid to demolish a plant that had been involved in radioactive materials, a nuclear power plant or a processing plant. There exist

DR. UFFEN: (cont'd.) regulations now in that industry. Why would the construction industry be different with respect to asbestos than it would be for radioactive hazards?

MR. STINSON: Well, quite honestly I'm not familiar with what regulations apply to work with radioactive materials in terms of construction, but I do know there has been problems at a job in northern Ontario where whatever regulations were applying to the manufacturing work force, they were not being applied to the construction industry and the construction industry people involved. Now, whether or not that's an oversight with the Ministry or Labour or whether or not there are jurisdictional problems in general, when we are talking about the nuclear industry we are talking about federal regulations to some extent, and federal regulations really conflict quite often with provincial regulations and inspector authorities and what have you, so this may be a problem.

I don't really know whether or not there could... it's possible, I suppose, the federal government could take over the regulation of asbestos materials. I really don't know whether that would really solve the problem or not, however.

DR. UFFEN: The problem of radioactive mine wastes, the provincial legislation is preferable, in many peoples' point of view right now, than the federal.

Excuse me, I couldn't resist raising that.

DR. DUPRE: We are away over time, as I had feared all along this morning, but I am going to ask for your indulgence to take up a final topic.

The schools control program: It's fair to assume that in most instances, I suppose, contractors are being brought in from the construction industry for removal?

MR. STINSON: Yes. In general, yes. The people, certainly they would in general have to work under construction

MR. STINSON: (cnt'd.) rate numbers with the WCB.

DR. DUPRE: What about for encapsulation projects?
Would it again be...?

5 MR. STINSON: It's the same situation. Most of
this kind of work is considered construction and would be...
enforcement of any regulations would be carried out by the
Ministry of Labour Construction Health and Safety Branch.

10 DR. DUPRE: The contractors themselves wouldn't
have any insights into, for example, whether encapsulation
possibly creates lower hazards for the control workers than
removal?

MR. STINSON: That depends...lower hazards
for the workers?

DR. DUPRE: Yes, than removal.

15 MR. STINSON: That would depend on the contractor,
I would say. Certainly there are some very knowledgeable and
competent contractors in that kind of business, and there are
also some other contractors that are probably not nearly so
confident and probably not nearly as knowledgeable.

20 I think I was pointing out to Dr. Mustard during
the break there that there are a very large number of jobs
coming up and certainly at the present time from the knowledge
we have there probably aren't that many experienced contractors
out there in the industry right now, and there will be a number
of probably inexperienced contractors doing the work. This is
25 not to say that they may not do a very competent job. It's
just that certainly they don't have the work history that some
of the other ones do.

30 DR. DUPRE: It may be to say that there could
be some degree or risk associated with the rapidity of the
pace at which the program is implemented, in that there is
presumably a limited number of experienced contractors who
probably have an expandable but still relatively limited facility

DR. DUPRE: (cont'd.) to take on more than a certain number of jobs?

MR. STINSON: Yes.

5 DR. DUPRE: Or are they very elastic?

MR. STINSON: The construction industry is very elastic. The thing is that you don't have probably that many experienced people.

10 In other words, let's take an example of a contractor that I'm aware of now who is a very experienced contractor in this area of work, has been spraying fireproofing for many years, he understands the problems, he is very familiar with encapsulation, he is very familiar with removal jobs. He is not expanding greatly his work force to handle any larger volume. He feels he has sort of reached his capacity of supervision, financially...he is financially extended to the point he wants to be extended to, and so on as well...so there are limits in that regard.

15 But, you know, the construction industry in general expands and contracts to meet volume. Not only in terms of numbers in the work force, but in terms of numbers of contractors as well, and here we are seeing an example of a fairly large market and a number of contractors not previously in that sort of business coming into that market and filling up the void, as it were. They are filling up the void, perhaps, with workers who are not particularly experienced either, although they probably do get some training, you know.

20 There is really no substitute for experience because construction is, to some extent at any rate, an industry where you learn by doing and I think it's fair to say that this is more or less the same sort of situation as far as asbestos-correction projects are concerned.

25 DR. DUPRE: If faced with this problem, you... let us say, centralized authority for the letting of all

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5 DR. DUPRE: (cnt'd.) asbestos-control contracts say in the Ministry of Education, would this help us cope with the problem of criteria of contractor selection or anything of that sort?

MR. STINSON: Perhaps. Perhaps it would. You know, again, it would depend on...again it would depend on, I guess, the abilities of the central control agency.

10 What we are generally looking at or where the problems arise with the correction procedure or the correction jobs, is a lack of standardization of procedures. In other words, perhaps a few inadequate procedures, or procedures that on paper are not necessarily followed up on the job.

15 It's not only...you don't only have to have a good plan, you know, you have to sort of work your plan and you have to see that people are really, I guess, conforming to what in effect is a regulation when it's written into the contract.

20 So there are two things there. One is, if the central authority had a good set of procedures which are instituted and incorporated into their contractual arrangements, that would probably help.

The second thing is, if they had a good arrangement for followup and enforcement in the field, this would probably help...certainly with the inexperienced contractors.

25 DR. DUPRE: Could I ask you this? I could see how, for example, if I were a school board official I might all of a sudden become aware that I have an asbestos problem in a school and at this point I have had what tests can be made for what they are worth, whatever the case, I am going to proceed with a control program. Is it likely that at this stage of the game if I go to a contractor in a situation where
30 I know there is some asbestos there, but I don't really know

DR. DUPRE: (cont'd.) what I want, you know...
do I want encapsulation or do I want removal. Is the
contractor the individual who will advise me on whether I should
consider encapsulation or removal?

MR. STINSON: It would be unlikely, I think, that
you would do that if you were, say, a school board or something
of that nature. You might well do that, let's say, if you
were a private individual or a private client of some kind or
other.

That is not to say that it might not happen in
a school board, but from our knowledge we would, I think I would
have to say that in most cases there are some kind of
engineering background applied from whether it be external
to the organization, or an internal...

DR. DUPRE: In other words, I would have
applied some inhouse expertise to the question...

MR. STINSON: Most likely, if you were a
school board, yes. You would either have the inhouse
expertise or acquire it from some person other than the
contractor.

If you are a private individual or a private
company, you might not go that route. You might well go to
a contractor and in many cases you might get better advice
than, you know, going the other route. I don't say that
to indicate that the engineering profession is not in general
capable of doing this, but the engineering profession, like
anything else, you need a degree of experience in order to be
able to understand what you are getting into.

If you are, in many cases an experienced
contractor, for instance, in regard to whether encapsulation
will satisfy your needs or whether you should go with removal,
is a better source of information. You know, he will have
had the problems of trying encapsulation in a job where large

MR. STINSON: (cont'd.) chunks have fallen off the ceiling after he added the encapsulation material and the weight onto it. Whereas, let's say an engineer who is looking at a problem of this nature for the first time can probably identify asbestos and so on, but if he doesn't happen to get that kind of experienced advice, you know, could perhaps go for encapsulation where it wouldn't perhaps be appropriate.

Does that answer that? It's sort of a general answer to that question.

DR. DUPRE: It certainly has enlightened me. Thank you. We are very, very far overtime. May I at this point repeat our thanks to you, Mr. McVittie, to you, Mr. Stinson, for this presentation.

The Commission now rises until two o'clock.

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THE INQUIRY RESUMES

DR. DUPRE: Our next presenters are from the Ontario section of the American Industrial Hygiene Association. The presenters are headed by the chairman elect of the AIHA Ontario local section, Dr. Dave Verma of McMaster University.

Doctor Verma, may I open it to you for a brief oral presentation?

DR. VERMA: Mr. Chairman and Commissioners, I thank you for the opportunity to discuss our brief with you today.

I speak as the chairman of the Royal Commission on Asbestos Ad Hoc Committee of the Ontario local section of American Industrial Hygiene Association. Other committee members are Doctor David Blackwell of 3M Canada, to my right; and Mr. Archie Kerr of Defasco is to my left.

A word about who we are. With a membership of

DR. VERMA: (cont'd.) approximately two hundred and fifty, the Ontario Section of AIHA is comprised of industrial hygienists, occupational health nurses and physicians representing industry, government, universities and unions of Ontario.

Our major objective is to promote the study, evaluation and control of environmental stresses arising in or from the workplace, or its products, in relation to health and well-being of workers and the public.

We feel duty bound as the professionals knowledgeable in the recognition, evaluation and control of potential health hazards of asbestos, to support the Commission in its task.

We believe that asbestos exposure can cause asbestosis, mesothelioma, lung cancer and cancers of other sites. Inhalation of asbestos is the main route of exposure, but it should be kept in mind that ingestion of asbestos may have some effects that have not yet been proven. We believe that in most cases there is a low exposure that can be considered acceptably safe.

Mr. Chairman and Commissioners, I would like to emphasize this acceptably safe. For example, in occupational exposure there is ample evidence to support the existence of a threshold level for the prevention of asbestosis and most cancers. In this regard we believe in the concept of threshold limit values, which is defined as the airborne concentration of substances that represent conditions under which it is believed that nearly all workers may be repeatedly exposed, day after day, without adverse effects. Because of wide variations in individual susceptibility, however, a small percentage of workers may experience discomfort from some substances at concentrations at or below the threshold limit. A smaller percentage may be affected more seriously by

5 DR. VERMA: (cont'd.) aggravation of pre-existing conditions or by development of an occupational illness. These threshold limit values are based on the best available evidence and they will provide protection to the majority of exposed population, but not absolute protection to all of the exposed population. There is, therefore, a small degree of acceptable risk involved in the concept of this threshold limit value applicable to asbestos, we believe, as it is applicable to many other chemicals and hazardous substances in the workplace.

10 The degree of asbestos hazard varies from a high in occupational exposure to low and minimal in general occupancy buildings. We feel that the age of the exposed individual could have a definite bearing on the health risk. It is especially true in relation to young children because of two factors: One, the long latent period; two, the morphology of lung structure. There is some evidence that a child's lung may preferentially retain those long and thin fibers that are considered more carcinogenic.

15 We have addressed the issues that the Commission has identified in its terms of reference in our submission, and I would now like to summarize our recommendations to you.

20 We recommend:

- 25 1. That asbestos exposure in the workplace be controlled as low as reasonably achievable below the suggested occupational exposure guideline by good industrial hygiene practices incorporating substitution, engineering controls, personal protection and personal hygiene.
- 30 2. That the advice of an industrial hygienist of persons trained in evaluation of such exposure should be sought wherever possible.
3. That the occupational exposure standard

5 DR. VERMA: (cont'd.) proposed under the Occupational Health and Safety Act of Ontario be accepted as a suitable guideline at this time, and we would like to emphasize 'as a suitable guideline'. That is no more than a guideline as in threshold limit values counts that we have mentioned before.

- 10 4. That the membrane filter method of fiber counting using phase contrast microscopy be accepted as the method for asbestos evaluation in occupational exposure situations.
- 15 5. That the workers occupationally exposed to asbestos should be under an appropriate medical surveillance program.
- 20 6. A preliminary asbestos exposure evaluation program be initiated in all industry and construction facilities in Ontario to identify the extent and the degree of asbestos hazard. This is to include such not widely-known occupations as construction, maintenance, public utilities, where I mention water works, drywall, industrial fireproof spraying, service industries, where data lacks in these areas.
- 25 7. That persons occupationally exposed to asbestos should not smoke, and those who do should be strongly encouraged to stop smoking.
- 30 8. An educational program be initiated for any occupationally exposed group of workers. This is to include information on health hazards, control, medical monitoring, exposure limit, record keeping, etc. We would like to emphasize record keeping as one of the programs.

- DR. VERMA: (cont'd.) 9. That the school environment be given special consideration. The airborne asbestos exposure in the school should be minimized or eliminated by remedial measures such as removal, encapsulation or continued inspection.
10. That no environmental exposure limit be set for public buildings, schools, etc. Visual inspection, analysis of bulk samples coupled with professional judgement, should be the basis for necessary action.
11. That air sampling be carried out in buildings and schools for the purpose of gathering data that can be used in the future assessment of health effects of such exposure.
12. That research work be encouraged to correlate evaluations of asbestos in buildings and schools using various available techniques. This includes optical microscopy, such as phase contrast, polarizing microscopy, electron microscopy and magnetic alignment methods and other research methods.
13. That research work be encouraged and supported in the area of epidemiological studies and pathological sample studies where the lung contents could be analyzed for asbestos involving lower level exposure in the public buildings and schools.
14. That under normal circumstances no guidelines are needed for outside air. There should, however, be an environmental guideline for areas surrounding the immediate vicinity of mining, milling, asbestos processing industries.

5 DR. VARMA: (cont'd.) 15. That the use of asbestos in the consumer and household goods should be eliminated. A consumer education program should be initiated to inform the general public of the extent and relative potential hazard from airborne asbestos exposure.

10 This concludes our opening summary statements. I thank you for your attention and we will be happy to answer any questions that you may have.

DR. DUPRE: Thank you indeed, Dr. Verma, not only for your admirably brief summary, but for the written submission that we have at hand.

15 If I might just ask an opening question, your concern for the school program which is in one of the recommendations you made is duly noted. I now observe in the text of your brief on page six the following statement:

20 "Pros and cons of encapsulation, removal or leaving the asbestos intact and in place should be considered. An industrial hygienist or person specially trained in such evaluation should be consulted in the evaluation and further disposition of such problems."

25 May I ask, please, have associations, perhaps your own, perhaps the American Industrial Hygiene Association, developed a set of criteria, a set of pros and cons against which in concrete circumstances one might refer if one was facing the choice of alternatives among encapsulation, removal or for that matter, isolation or other control techniques?

30 DR. BLACKWELL: I don't think anybody has really set down on a piece of paper guidelines on which way to go. I know the Ontario Section hasn't done it, or the national one, but EPA has, in the U.S., has guidelines for following certainly

DR. BLACKWELL: (cont'd.) removal and the isolation of that room and the protective equipment and the wetting down...

DR. DUPRE: We are familiar with those guidelines.

5 DR. BLACKWELL: Right. But whether the pros and cons, I don't think have really been set down.

DR. DUPRE: The choice of which technique...

DR. BLACKWELL: Which to go.

DR. DUPRE: ..to follow?

10 DR. BLACKWELL: Right. I think people are gathering that information and would, say, call on an association like ours or others to get that down in writing.

15 DR. VERMA: What we have meant in that is what our approach is, visual inspection, bulk sample analysis. This will give us an idea of the degree of the hazard. For example, if the asbestos in the material that is being considered for removal is only five percent and perhaps is well intact, then encapsulation would be quite good.

20 On the other hand, if material happened to be crocidolite and fifteen percent, and it is in poor shape, then removal would probably be the only solution, and this is why we have suggested in our brief a person trained in this field be consulted. It could save money and a lot of aggravation in the long run.

25 DR. DUPRE: Could I ask specifically in connection with that last statement of yours, what is the, in your view, the particular kind of expertise that an industrial hygienist will bring to a consideration of which control technique should be used, as distinct, for example, from the kind of expertise that a consulting engineer, let us say, knowledgeable in construction would bring?

30 DR. VERMA: A consulting engineer knowledgeable in construction would have very little idea, generally speaking, in actually determining the health effects of these materials,

5 DR. VERMA: (cont'd.) plus the fact 'how bad is bad' is for an experienced industrial hygienist who has been through several of these situations, could also relate that this situation related to this kind of level, if we did look for levels, or there is a certain amount of fibers floating around these places and we know that what sort of fibers we are concerned with, we don't have to see whole chunks before we can say it's a hazard. With due respect I would submit that the industrial hygienist would be more knowledgeable, or a person specifically trained in that area, to evaluate such hazard, degree of potential hazards, and based on other information, as we have pointed out...visual inspection, bulk analysis, a trained person would be able to make that decision - which of these routes to go.

15 DR. DUPRE: Are you suggesting that the industrial hygienist alone is the optimal decision maker, or that perhaps if you have a comprehensive program you should be looking to a team that provides a blend of expertise, perhaps that of consulting engineer, perhaps that of the industrial hygienist?

20 DR. VERMA: As we have said, perhaps a person trained in this area, a person could be trained in specifically this area of evaluation, and could do equally good job, perhaps better than industrial hygienists who do not have experience in that particular area.

25 The emphasis we want to bring out is that the person ought to be trained in this area who has seen these exposures, who has some evaluation and some feel for these conditions. You could train persons for it, and I do not want to give the impression that the, only industrial hygienists could do the job. We are trained to do this.

DR. DUPRE: Thank you.

30 DR. BLACKWELL: Could I just say one word to that? A team approach is the best approach, but an industrial hygienist

DR. BLACKWELL: (cont'd.) should be included in that team, or somebody trained.

5 DR. DUPRE: Right. Taking that as given, Doctor Blackwell...correct? Taking that as given, Doctor Blackwell, that a team approach is preferable, who should be on that team? I take it a consulting engineer, an industrial hygienist? Is there any other particular kind of specialist...?

10 DR. BLACKWELL: Are we looking in general or at schools...?

DR. DUPRE: I am addressing specifically the question of the pros and cons of choice of control technique, whether it's removal, encapsulation and so on.

DR. BLACKWELL: I think you have covered the major groups that should be...

15 DR. DUPRE: It's a two-specialty team?

DR. BLACKWELL: Right.

DR. DUPRE: Okay. Doctor Mustard?

20 DR. MUSTARD: Could I ask you about two of your recommendations? First of all, recommendation eight that an education program be initiated for any occupationally-exposed group of workers. Do you have any views as to how this should be done? For example, should this be the responsibility of organized labour? Should it be the responsibility of safety associations, or should it be the responsibility of post-secondary school area, business? Who should carry the responsibility for this?

25 MR. KERR: For occupationally-exposed groups I feel that both the employee or organized labour and the employer have a responsibility to educate people in the hazards and the control measures which should be implemented for asbestos, you know, to reduce asbestos exposures down to its lowest
30 achievable level. I think the Ontario Ministry of Labour have set forth proposed guidelines on asbestos and in that they call

MR. KERR: (cont'd.) for both employer...the employer has a responsibility to inform the employee of the hazard, and the employee also has a responsibility to the employer to work in a safe manner, and therefore the only way he is going to work in a safe manner is if he has information either given to him by the employer, or through an occupational health and safety team that is set up, usually by organized labour.

DR. MUSTARD: Well, let me push you a bit further on this. We fund educational enterprises in a variety of novel ways in this province, as I'm sure you are fully aware. It takes a resource to establish an educational program. You have to have some kind of funding to be able to do it, and I can see quite easily how from a management standpoint they can make decisions about allocation of resources to promote educational programs. How does labour develop ways of funding itself to promote educational programs or ensure it is getting some kind of input into desirable education programs, because one of the comments we have heard is that 'no one told me, no one informed me', from the standpoint of the work force's comments about the asbestos exposure problem. Have you thought about that, as to how you would tackle this question to ensure that labour would have access to high-quality education programs to meet their justified needs in terms of understanding?

DR. BLACKWELL: I think they are carrying out their own education programs now. I know they run education programs for the Occupational Health and Safety Act of Ontario, making their people aware of it, and those union reps then go back and present it at the local area. Whether this is one approach that can be carried out.

DR. DUPRE: If I could just cut in here, Dr. Mustard, I am just pursuing the same line. I noticed, of course, specifically on page eight of your brief when you are addressing

5 DR. DUPRE: (cont'd.) your target population, that you seem there to be zeroing in on small employers and the employees of small business, where there is likely, of course, to be a much higher incidence of unorganized labour. So you must...are you thinking of this kind of a special program? One that would fill a need that perhaps you perceive as not now met by the OFL training program? Or what are you looking at here?

10 DR. VERMA: We had considered this as one group of unionized workers have access to some information through their own, many companies have joint worker and management groups through which some of this education, we perceive, could be given. But the small employers have left completely, and some agencies have to come up and address that issue, whether it will be done through a governmental agency, through university, through a technical school. This is an issue that 15 we felt the Commission ought to be brought out to, because a large sement of those employees do not have the benefit of organized labour nor the benefit of a big joint management and union health and safety committee, nor a professional hygienist, for example.

20 DR. MUSTARD: Okay. I have a question related to recommendation number ten, in which you say that no environmental exposure limits be set for public buildings, schools, etc., and my interpretation of that is that you mean that when you are in the building such as this there should be no asbestos in the atmosphere. Is that what you mean? At 25 least being derived from whatever is in the building? Is that what you mean by no exposure limit?

30 DR. VERMA: We considered the reason for this to be that once we set an exposure limit, we know at this particular time the measurement techniques, the evaluative techniques, plus the fact that these levels that we will measure in these buildings do not have any correlated health studies

5 DR. VERMA: (contd.) to predict, and we feel they will be often misused rather than properly used, because nine out of ten times you will always find a level we set up, that they will be below certain levels and you could easily say there is no remedial measures required in these places and you can go and do this in the places that is in very poor shape, and if it involved the measuring techniques, accuracy. For example, if we go to do by commonly used methods, phase contrast microscopy, a survey in this particular room or any 10 other particular places, even if the condition is bad which would require corrective measures by our visual inspection, bulk sampling...

15 DR. MUSTARD: Let me see if I can get you to give a yes or a no. The Ontario Federation of Labour in its presentation on Monday morning said no one should be exposed to asbestos fibers, if I paraphrase it down. Now, are you saying that when you are in a building such as this no one should be exposed to asbestos fibers being derived from the materials in the building?

20 DR. BLACKWELL: We are not saying zero exposure. We are saying that no guideline or standard should be set at this point until we have further evidence to be able to set a guideline.

DR. MUSTARD: I see. You are not saying...

DR. BLACKWELL: We are not saying zero.

25 DR. MUSTARD: You are not saying there should be zero exposure in public buildings?

30 DR. BLACKWELL: That's right. Right. We are saying that there isn't enough evidence yet to prove that there is a potential health hazard in public buildings, that more evidence is needed, and then at that point set...if there is indication of setting a guideline, then set it at that point. That goes on to why we are...

5 DR. MUSTARD: Let me push you a bit harder on this. That means if I happen to be in a building in which stuff is being broken down and put into the atmosphere that because there is no limit set that there is no way somebody can come in and enforce something to be done?

10 DR. BLACKWELL: We...okay...I think our recommendation number one covers that in that we are saying that all exposure, whether that be occupational or public, should be kept as low as possible using good, we'll call them industrial hygiene practices. So that, you know, if there is asbestos in here, then inspections should be carried out to determine if there is a potential hazard. And if there is, then corrective measures should be taken.

15 But I don't think that we can set a guideline to say that if it is above a certain level that you have to do this or have to do that.

DR. MUSTARD: I see. Thank you.

DR. DUPRE: Doctor Uffen?

20 DR. UFFEN: I would like to ask you a bit about the measurement aspect. On page nine, you are quite clear in the statement that, "air sampling should not be a routine component of the evaluation". This is under

the schools program. Do you mean that specifically for the schools program, or would you mean that to be generally true?

25 MR. KERR: This would be for the schools and general occupancy buildings. The only time we would do routine monitoring is in an occupational setting where people are using or processing asbestos.

DR. UFFEN: But you would do it in...you would recommend it in an occupational setting?

30 MR. KERR: In an occupational, but not in a general school or general occupancy building because the best way to handle that is through inspection and follow the inspection through year after year to make sure...

DR. UFFEN: Is the emphasis then on air sampling should not be a routine component...on the 'not' or the 'routine'?

You would do it occasionally?

MR. KERR: Well, the problem with routine sampling in general occupancy buildings because of the accepted techniques right now for monitoring, or for evaluating a sample once you have taken it, they aren't sensitive enough to give you accurate readings, and we feel that the best way is to...the only time we would use it, if you are going to use it, would be to use it as a data bank that you might be able to refer back to, to do epidemiological studies in the future.

DR. UFFEN: How would that relate to what is called the membrane filter method? Is that an air sampling technique?

MR. KERR: Yes, it is an air sampling technique. It has been used in industry for a number of years, and it is good for industrial exposures whereby you have, the concentrations would be higher and you can have some accuracy in your analytical technique. If you are doing general occupancy buildings we may have to go to some more sophisticated techniques that aren't really proven, and you can count more fibers just by increasing the magnification, but then try and apply that to some standard, there really is no standard available. So therefore you ^{are} sampling and analyzing the sample and you've got a number and you don't know what that number is. It's not relative to standards that are set for the occupational areas where you are using the membrane filter phase contrast microscopy techniques.

DR. UFFEN: Does this resolve something that puzzled me then, in your recommendation four you said that the membrane filter method, etc., be accepted as the method for asbestos evaluation, and then it says in occupational. You mean it be accepted in occupational exposures?

5 DR. VERMA: We meant that the membrane filter method be accepted in the occupational setting simply because membrane filter method does produce, does give the data on which the ultimate health effects of the health study are based on. So we can, we have the idea of the fiber level by membrane filter relating to something...in occupational situations and the concentration is enough and we know there is asbestos in the area. But if we use membrane filter method in a building like here today, it does not give the answer because, first, it is...the concentration is so low you need a lot of samples and you would be counting hair and cotton fibers and all kinds of stuff. In the area we come down....

10 DR. UFFEN: The membrane filter method count... I understand it counts other things as well as asbestos?

15 DR. VERMA: The membrane filter count is essentially based on an aspect ratio, and you assume essentially that the fibers that you are looking at are asbestos fibers because asbestos is being used in the industry.

20 DR. UFFEN: If we don't use it in a public building or in a school, where you have already drawn considerable attention to the importance of the schools because of children, what do you do then to make sure what it is that you are concerned with, whether it's asbestos or wool or you just...you said wool, I believe?

25 DR. VERMA: In those situations we have said that we would look at the bulk sample to give us the idea of potential of exposure. If the bulk sample has asbestos, how bad the spray is, the material is. If we find...

DR. UFFEN: If you just take a chunk of it?

30 DR. VERMA: Take a sample and analyze it for asbestos count.

DR. UFFEN: How do you do that?

DR. VERMA: We do that in a laboratory.

DR. UFFEN: How do you analyze it for asbestos content?

5 DR. VERMA: There is a series of methods that have been, that can be set up, that I have set up at McMaster for example. There are a series of these methods that can be done, set up, to analyze the asbestos content in the bulk material. They include, for example, a simple K2 test, which is an acid test, to polarizing microscopy, to x-ray
10 diffraction, to infrared, to electron microscopy, so there are these techniques that are available, the techniques are available to identify the bulk samples.

DR. UFFEN: You mentioned earlier the importance of the team and including industrial hygienists. Do industrial hygienists normally get training in x-ray diffraction methods and transmission electron microscope techniques and things like
15 that? Or would you need an expert in your team?

MR. KERR: It depends on the size of the industry where an industrial hygienist would be employed. For instance, the infrared technique is a very straightforward technique. It would take about three minutes to determine if a material
20 has asbestos in it or not, and it's a piece of analytical equipment, many industrial hygiene people come from a chemistry background which gives them inside track, if you like to say, on how to analyze for these things. Definitely a specialist if you are into electron microscopy, usually a specialist,
25 an analyst would be the person who would use that type of equipment, but it would be the industrial hygienist who would more or less oversee to make sure that the bulk sample was collected properly and that the results we got back meant something.

DR. UFFEN: How many such...roughly, I won't
30 hold you to any count...institutions in Ontario are there that would have x-ray diffraction equipment, electron microscopes,

DR. UFFEN: (cont'd.) infrared equipment and the like? Other than the optical microscope?

5 MR. KERR: Okay. Infrared is a basic analytical instrument that many even a hundred and fifty, two hundred and fifty-type company, employee company, may have...a cheap one... that could be set up. X-ray diffraction units, usually all larger industries that have any research facilities will have something like that. Electron microscopy would be in large industry, again, and then in various universities. Wherever 10 you have a major university, this type of equipment would be available.

DR. UFFEN: What's puzzling a bit is that in other evidence and testimony before us, the point has been raised that it sometimes takes a very, very long long time 15 to have this positive identification made. Not just overnight or a day or two. People talk about waiting for weeks to get results.

DR. BLACKWELL: I think one of the things is that the test requires some time to do and it can't be just done in a few minutes. The other thing is that where you are 20 sending it to has to have some priority of doing it. Unless you can sell that person that yours is top priority and you need an answer tomorrow, they are also doing analysis for me, for everybody else in Ontario...especially when you get into the x-ray diffraction electron microscope. There's very few of those in Ontario and they are all going to that area, so 25 they are just doing them as they come in....which may take three, four, five weeks to get it done.

DR. UFFEN: One last question, rather specific, but it caught my eye. In recommendation twelve where you are talking about research work that ought to be done, it 30 ends up talking about magnetic alignment techniques. I thought that serpentines and asbestos has no magnetic properties of any consequence.

5 DR. VERMA: This is work that is being conducted initially by Dr. Timbrook in the U.K., and I visited him in one of the conferences last time at his laboratory, and this is a system which could, for asbestos, bridge the gap between optical microscopy and electron microscopy, because it can see those fibers, but you can't see it through the optical microscopy. It's much cheaper...or it was cheaper until the manufacturers got hold of them...and it could identify. It does it by aligning all these particles and the asbestos aligns north/south and they align east/west and north/south depending upon the type of the fiber. All the asbestos fibers align one way or the other, and they are, from the characteristics of where they have been found...like whether they are from South Africa, they were brought in, or from Finland...and it's like the optical microscopy, but because it's taking the response on the orthomultiplier of this magnetic property it is seeing those fibers that you won't see through the optical microscopes.

10 DR. UFFEN: Is there any suggestion, or would it be naive, because of these magnetic properties that allow it to be lined up and recognized, that it could be used to separate asbestos from other kinds of dust?

15 DR. VERMA: In asbestos evaluation, that is what is being done, because you could...

20 DR. UFFEN: In evaluation, but what about in the real problem of getting rid of it?

25 DR. VERMA: In the real situation, like in industries, if you want to get rid of asbestos fibers, you mean?

DR. UFFEN: Or separate them.

DR. VERMA: By using that property? I can't answer that.

30 DR. DUPRE: There being no further questions, may I thank you Mr. Kerr, Doctor Blackwell, Doctor Verma, for your presentation.

DR. DUPRE: (cont'd.) Our next presenter, Dr. Brian Gibson, will speak to the brief of the Toronto Occupational Health Resources Committee.

5 Please make yourself at home at the table, Dr. Gibson.

DR. GIBSON: May I also introduce Nick McCombie, of Injured Workers Consultants, who is a member of our group.

DR. DUPRE: Yes. Could you spell the name, please.

10 MR. McCOMBIE: Yes. M c C O M B I E.

DR. DUPRE: M c C O M B I E?

MR. McCOMBIE: Yes.

DR. DUPRE: The first name for the transcriber?

MR. McCOMBIE: Nick.

15 DR. DUPRE: David?

MR. McCOMBIE: Nick.

DR. DUPRE: Sorry. Nick.

DR. GIBSON: And Mike Hutsulak. He's a wood worker.

20 DR. DUPRE: Do you need the spelling? The spelling, please?

MR. HUTSULAK: H U T S U L A K.

DR. DUPRE: Thank you.

We are in your hands, Dr. Gibson, for a brief opening presentation.

25 DR. GIBSON: Yes. I'm glad that we have this opportunity to address the Commission. I would like to just bring out the highlights from our brief, and spend most of the time on some of the aspects that...or perspectives that we are trying to bring forward that may not be getting quite as much emphasis from some of the other groups that you are going to hear from.

30 The key concept that we are trying to bring

DR. GIBSON: (cont'd.) forward is that we have to fully, seriously take a look at our present economic dependence on asbestos, and develop the social strategies to develop economic independence from asbestos.

The asbestos has over three thousand uses. It has become woven into the entire fabric of our economy because of these uses, and although you might say that this particular item that has asbestos in it is not, you know, it's not essential, there are many areas where we simply could not get rid of all the asbestos tomorrow. If you took it out of all the brake linings or took up all the asbestos-cement water pipe tomorrow, you know, you would have to have something immediately to replace it.

This poses a very serious problem because, as you are well aware and what was presented to you even in your first public hearing, all of the major criteria documents that have looked at asbestos have said that there is no threshold for the carcinogenic effect of this substance. There may be some problems in having fully adequate evidence around what the dose-response is. The evidence isn't completely clear, it isn't completely defined, but the best reviews to date have said that we cannot safely say that there is some threshold at which you can say that nobody is likely to be affected.

Thus we are faced with the problem of saying what does society do? What do we do with this challenge? Therefore, we are calling for an integrated program to ban asbestos. Not simply treating it in isolation, saying okay if you make it, get it out of the workplaces in Ontario and cover it up in the public buildings we've done our job in Ontario and it doesn't matter what's going on in the rest of the world. It's a question of society directing headon the problem that is posed by hazardous substances that cause cancer and asbestos being the chief one and the one that is your

DR. GIBSON: (cont'd.) responsibility at the moment.

5 We don't believe that you can make a sterile environment where there is no asbestos. It is part of the natural rocks, it is in the water supply in the Great Lakes Basin, in all our major cities because it has gone into the public buildings, because it has been put into the atmosphere from automobiles. We are not trying to sort of say, okay, we think we can have a totally riskfree environment and do that tomorrow.

10 But what we are saying is that the real challenge is to get the mechanisms in place so that fundamental changes can take place in our technology so that we do not get into positions of being dependent on seriously hazardous substances like asbestos.

15 One of the things that that requires is attacking the question of substitutes. We see that as something bigger than saying, okay, you can use fibreglass to replace asbestos. It means that for various uses there are going to be many different substitutes. It means that you have to look at the whole technology that is involved in terms of changes that are taking place in what we use as sources of energy because of the energy crises, because of what's coming in because of electronics, because of what our concerns are about industrial development. It has to be looked at in the broad scope.

20 It also means that just as we are saying, you know, we are running out of nonrenewable resources that there are certain limits in the way that we can design our technology in putting demands on energy supply, nonrenewable resources, that we also have to think of designing our technology so that we don't think we can make unlimited use of substances that have inherent hazards.

30 It means that there has to be a way of

DR. GIBSON: (cont'd.) establishing the safety of the alternate technologies of the things that you bring in. That means that there has to be screening of new substances.

5 It also means that there has to be some kind of flexibility that if the process of technological change develops various alternatives in the way that human needs are met in society, then if you find out that your screening has not been adequate you can easily go with one of the alternatives.

10 Our first reflection on the best way to do this is that a Crown corporation should be established to see that the research and development is done. Part of the reason for saying that is that it has to be linked with the other problems, that it has to look at a variety of hazardous substances, establish the priorities and be able to overlook all the various
15 alternatives in the technology, and the private sector, generally all the money is directed at solving the particular problem that they need solved in terms of their particular use and not in terms of the overall system.

20 It's also possible that by using a Crown corporation that it be possible to bring suitable substitutes into use much quicker. The electronics industry took off in the United States when government money was going into buying it, even though it was the more expensive technology, and that brought the price down dramatically so that now it is the less expensive technology. The same is suggested for solar
25 technology, that if in fact there was a demand that the money was put in to create mass production of that technology, it probably would very rapidly become competitive with the energy technologies that we have now.

The same thing may very well be necessary for bringing in safe substitutes for asbestos.

30 The second part of handling an integrated program for banning asbestos is general public knowledge of the problem

DR. GIBSON: (cont'd.) and the challenge that society faces in this area.

5 Some of that is simply that people want to know, and I'm sure you have already heard the angry responses of workers who did not know, and that is something that society...we are going to have to go through so that we can then develop a more broad social consensus to allow the changes to take place, to face the costs to people, face the job adjustments that have to come, and adjust to, in fact, that it's different. 10 The technologies will be different and people often get scared of change because they don't know what it's going to bring.

15 The acceptance of the hazards and the risks that remain that we have to face in a technological society has to come from a broad public consensus. It can't simply be left in the hands of the industry that is looking at its own narrow vision economic necessity, what it needs to keep itself going over the next year or two, or simply to the professional judgements that may have the expertise but do not necessarily reflect the concerns of the public and do not necessarily generate the energy from the public, the willingness to actually 20 make necessary changes happen.

25 We feel that there is a corporate responsibility to handle matters of compensation, to handle the harm that has already been done to workers' health, because they have benefited economically from the use of asbestos, and because also they have had in their possession knowledge about the risks that they were running but have not actually been fully, you know, publicly acted on. It has taken a long time from even the general scientific acceptance in the early 1960's that there was a cancer problem with asbestos, to getting really serious social action taking place on this matter.

30 In the broader perspective, though I may point out that we are not dealing simply with sort of an argument

DR. GIBSON: (cont'd.) between two human groups, between management and labour. We are dealing with a problem between man and nature, or society and asbestos, in which the inherent hazards of asbestos are sort of nonnegotiable demands. you can't reason with asbestos and say, you know, it's not going to cause...you know, you are not going to do that to us.

In certain situations you turn...if you are politically negotiating with another group, you try to reach some kind of agreement so that the...you don't get a backlash effect, that if you don't come to some agreement they go off... you produce exactly the opposite effect as what you were trying to achieve.

But with asbestos, society has to face that. As in a very illustrative example, I got a phone call yesterday from a lady who is a teacher, who had worked in the schools in the mid 1960's with younger children, using asbestos modelling clay. Basically her concern was she didn't feel that people generally realized how much of that stuff was around, how consistently it was in the atmosphere. I gather that if you had, you know, in a classroom you would have, you know, one group working with it at one point, and a little later on somebody else would be playing with the stuff, so that you would have the teachers and the children six hours exposure to fairly significant levels of asbestos fibres in the air. And it's like the experts knew in the early 1960s that it caused cancer, and that information did not get transferred to society to prevent something happening in the years that followed that affected young children. And totally unessential, totally unnecessary that children needed asbestos in their modelling clay.

But if society does not have a mechanism to prevent that, we are going to continue to reap the whirlwind.

The final point that we make in the brief is

5 DR. GIBSON: (cont'd.) that it is, you know, we feel that by fully challenging the problem that you are in a position to tackle the more global problem. We know that your purview is Ontario, and we know that you, you know, about what happens in Ontario and what can, in terms of the alternate technologies can have a great impact on what happens in other parts of the industrialized world. We don't feel that it is acceptable simply that we do housecleaning in Ontario and continue a large production of asbestos in Canada to be
10 exported to other countries where, for whatever reasons, the powers that be do not feel that health concerns should be taken as seriously.

15 The position that we have taken has received the support of the Medical Reform Group of Ontario, of Injured Workers Consultants and Pollution Probe. We have legal standing with your Commission and we are eager to work with you in getting in experts who can address some of these broader social issues.

With that, I'll accept questions.

20 DR. DUPRE: Thank you very much, Dr. Gibson. Dr. Mustard, do you wish to ask any opening questions?

DR. MUSTARD: I have two questions I would like to begin with, in terms of your offer to help sort out some of the dilemmas that one faces here.

25 In your brief on page thirteen, you talk about corporate responsibility, which I think addresses a very complex and important question. I am trying to recall...I think I've got this correct...when the leader of the New Democratic Party was before us yesterday, he said that in terms of the correction in the schools he felt that the costs should be borne by the provincial government because of the use of
30 asbestos in schools largely occurred because of the fire

DR. MUSTARD: (cont'd.) regulations that governments had enacted in the fifties and sixties, I guess.

5 I sort of wondered about this question of corporate responsibility. In a sense, I suppose that those regulations which governments used in building codes were a product of the collective wisdom of all of us, and does the corporate responsibility, in your view, in areas in which we use materials because of our collective ignorance...and I find it rather interesting that we did have those fire codes and whatnot that required use of asbestos despite the knowledge which was available...does that corporate responsibility, in your view, then extend to all of us in areas where we enacted legislation or Acts that required codes where materials had to be used?

15 DR. GIBSON: Yes. I mean I think everyone who is in a position to know, should have known. There is I am sure some responsibility. There is also, simply in terms of the whole view that we have taken around how our economy works, I mean that the general sort of public acceptance that energy was cheap, that, you know, these things weren't, you know... there is a certain responsibility there. But the corporate responsibility I think is most strongly clear in terms of the workers who weren't getting the information, in terms of the compensation for what has happened and what will continue to happen, and there is certainly some responsibility that goes with...that the corporations perhaps knew better than most of us that we were taking chances with asbestos.

25 DR. MUSTARD: Yes. But I guess my point is that we had regulations that encouraged a product to be mined and used which we, through our elective process, had brought about. I find this a very tough dilemma. Indeed I wonder about the guilt of our profession in terms of our not putting forward the information a lot sooner and a lot more emphatically than

DR. MUSTARD: (cont'd.) maybe we have. I don't want to get into debate into it. It's a problem for us.

5 DR. GIBSON: I think we've got to...I mean, I think the doctors have got to take a fair bit of responsibility here. I quite agree with you.

10 DR. MUSTARD: My second problem is, asbestos is one of many substances which are used in society which are carcinogens or potential carcinogens. If I sort of pose a question to you...if the collective wisdom is that asbestos should be banned and substitutes should be used, do you think that that rule then should apply to other carcinogens that are in use in society? You know, there is some concern about nickel, at least in some stages in the processing, the rhizoselinates, etc., and I wonder what your views are about that. Should this be a general principle for all substances
15 which we have to use in developing products in our society? Or should it be just restricted to asbestos, and if so, why?

20 DR. GIBSON: I think it's a general principle that I think it's...that there are certain priorities that have to be applied in terms of developing the alternatives. Asbestos is one of the carcinogens that is most widely used. A number of them are much more restricted to workplace situations.

25 The other one that I think we may find ourselves about to face another 'asbestos' with is the problem with formaldehyde if the recent tests continue to show that it has carcinogenic potential.

30 It's...I think because it's been there and we have known about, the evidence that it causes cancer has been around for a long time, we have to tackle that one first. Developing the capability with asbestos to make that kind of technological change will make the process much easier with other substances.

When we are talking about a ban, the conception

DR. GIBSON: (cont'd.) there is establish, you know, the alternatives that you can make yourself independent and you can then actually talk about a reasonably feasible
5 noticement of exposure. Then you are not talking about...that's the only way you can really make that happen. If you need the stuff, you know, it's only going to be worse. There is a certain amount of asbestos fibres that will float around in our environment forever. There's a certain amount of these
10 other substances for a long period of time.

DR. MUSTARD: Let me push a bit further on this one, because when one tackles one of these one is really looking at more than just one substance here. Vinyl chloride was detected during the seventies. Industry expressed great concern about whether they could control it. I believe that
15 they have achieved fair control in the use of vinyl chloride in the manufacturing processes, and it is subsequently used and I guess it doesn't pose a hazard as far as we know in the products in which it comes out, but in a sense if one got asbestos down to the point where the whole process of extracting and manufacturing with it didn't pose a hazard...I know I may
20 not be able to do that...and it was put into products which also didn't pose a hazard, would it really be any different than vinyl chloride?

DR. GIBSON: There's two comments on that. One, sort of a dramatic change has been made already with vinyl chloride in terms of reducing the worker exposure. It's a
25 substance which is used in a controlled chemical process where the technology allowed greatly reducing those exposures. It's in the manufacture of polyvinyl chloride, it's principal use, you know, in that especially hazardous form, you know, is single, limited use. Asbestos is something that we haven't
30 done anything about yet. It's something that in a whole series of uses, it's something that you are talking about a very

DR. GIBSON: (cont'd.) different process in terms of mining and getting it out of the ground, that I suspect that, you know, to get the hazard of asbestos down to where the hazard of where vinyl chloride already is, it might be cheaper to go the other route.

DR. DUPRE: Dr. Uffen?

DR. UFFEN: Yes. Could I pursue just for a minute your suggestion about the Crown corporation? It's in your recommendations five, six, seven. Five and six seem to be pretty clear about the necessity for research and development of substitutes, and that's an operational kind of thing.

In number seven you suggested that the Crown corporation, "should ensure the safe removal and disposal of asbestos". Now, in that particular one would you visualize it as an operational agency that actually does the removal and safe disposal, or as a regulatory agency that would see that it was done safely?

DR. GIBSON: I'm not sure that we are taking a strong position between either of those alternatives. There certainly has to be the standards for it to be done, but at the same time there has to be a way of preventing fly-by-night or sort of cheap processes, that we have to know that in fact your standards are being enforced. Therefore, that if you open it up to a lot of small operators to do the job, with workers that they are going to have be employed for six months, twelve months while they are doing it in this area, you've got a very real problem. So I think we would lean in favour of the Crown corporation doing it itself.

Now, there's various...I'm not an expert in how you organize Crown corporations or how you start...

DR. UFFEN: I don't think we need to be here, but can I suggest a somewhat parallel situation where we have... Atomic Energy of Canada is an operational agency committed to

DR. UFFEN: (cont'd.) developing nuclear power. We have the Atomic Energy Control Board, who are clearly there to regulate the other one. Plus a few others, like mines and so on.

What I'm getting at is the potential conflict of a Crown corporation which would regulate from one which would perform or operate.

Is that...

DR. GIBSON: In terms of wearing the two hats.

DR. UFFEN: Which have you in mind?

DR. GIBSON: The basic Crown corporation is one that would be carrying on operations, doing the research and development, putting things on the market, and the fundamental. But the regulations, presumably, under which asbestos would still be used in your phase-out period in terms of which it is being removed would come from another branch of government, or could come from...you know, they could have the two, if you have a regulatory body separate from the operational body.

DR. UFFEN: But do you visualize this confined to asbestos, or other potentially carcinogenic substances, or other potentially hazardous industrial materials?

DR. GIBSON: I see it as covering certainly more than asbestos, certainly all the cancer-causing substances and perhaps particularly hazardous substances, you know, things that require special expertise in controlling the hazard or where there is a special need to really put the research and development into creating an alternate technology. That requires sort of actually looking at it from all the different aspects that you can bring to bear on it, what energy source you are going to put into it, what the controls are. It has to be looked at simpler than, 'okay, I need something that is just like asbestos'. You have to look at the whole technology that it's used in. That requires a corporation that has a

DR. GIBSON: (cont'd.) broad view.

5 MR. HUTSULAK: Can I just add a few comments to that? With regard to Crown corporations looking at a wider range of carcinogens in the workplace. You take, for example, what Brian has previously mentioned, there is recently a federal ban on the use of urea formaldehyde foam insulation because of its allergenic and carcinogenic potential.

10 Formaldehyde exposure in the workplace is rampant across Ontario. There has been no action that I'm aware of on behalf of the Ontario government to, never mind ban but at least limit the exposure to formaldehyde, and I'm talking about in woodworking areas, in the textile industry, in the plastic industry, because urea formaldehyde is used as a bonding agent.

15 Now I see at the present time if you form a Crown corporation to look after the asbestos problem, they certainly should be looking after the other problems, carcinogens in the workplace and making recommendations to control them in the workplace, worker exposures.

20 DR. GIBSON: Any more questions?

25 DR. DUPRE: I would like, if I might, to pose a question on a quite specific part of your text which, for understandable reasons, you skipped over in your very concise and to-the-point presentation, but might I, if you please, ask about the source of the concern that you express on page ten of your submission to us? I'll read from it. It's right at the top of the page: "There is a present rush to

30 remove asbestos from some public buildings, that does not seem to be occurring with due care...due care for the exposures created in the removal of the asbestos or for the disposal of the asbestos that is being removed".

I think it's fair to say that what you are

DR. DUPRE: (cont'd.) expressing here is a concern that has been expressed in some other submissions that we have received, and baldly put it is that there may be, there may be, some occupational health costs to individuals who are unduly exposed in asbestos-control operations that are sloppily done. In that you have made this point yourself, could I ask is this... is your concern here grounded on any observations?

DR. GIBSON: It's concern, it's grounded on things I've heard from other individuals in terms of a number of public institutions in the city which have already removed the asbestos, in terms of the way people have observed the stuff being handled, clouds of dust around the removal, comment that I received, someone who had looked at the Toronto Sun... she hadn't particularly seen the ad...but advertising for workers for, you know, to work in asbestos removal. That because there has been, I know personally someone quite well who is involved in looking at, determining for public institutions where is the asbestos, what asbestos should be removed, he is a consulting engineer and that is basically the job that he does, but there are no guidelines at the moment on how this should be done. The impression is that with or without some protective equipment, if it's decided to come out it's knocked down, put in green garbage bags and hauled off to the dump. It's hearsay evidence, but it's a concern and there are certainly an adequate population of younger men who come into Toronto looking for work, who may or may not stay for very long, who would be involved in the operation for a short period of time and, you know, who don't, who aren't aware of the hazard or in terms of their own economic straits that's not what they are particularly concerned about at the moment.

DR. DUPRE: Just one last question in this area. Have you any insights into the choice, the appropriate choice among asbestos-control techniques in public buildings? That is

DR. DUPRE: (cont'd.) as between encapsulation on the one hand, or again isolation or removal?

5 DR. GIBSON: Ultimately you are talking about removal in most instances. I don't know the...I don't know all the aspects of the technology to sort of try to draw some line. That requires a certain amount of expertise. If I may go to over to sort of another example where there is definitely a question of more research needed before you do, you know, take dramatic action. I mean, there is some concern about the
10 asbestos in the water that we drink.

I mean I just had my half million fibres of asbestos.

15 Now, it's in the asbestos-cement pipe, but there is research needed to know whether, you know, ninety-eight percent of the asbestos that was in that glass of water was in there in the intake when it came out of Lake Ontario, and maybe it picked up a few fibres when it went through the asbestos-cement pipe, or whether most of it came out of the asbestos-cement pipe. It isn't going to help to yank all that pipe out of the ground if most of it is coming out of the water. There's
20 a certain amount of priorities that have to be set, and there's a sense that it should not be done with panic...just simply sort of saying, okay, for political reasons or panic you simply get rid of all the, you know, yank it all out of your public buildings. That isn't the rational way to do it.

25 The rational way to do it is to create the public climate of information that allows you to undertake the full costs of facing up to the facts that are, you know, that our use of technology, you know, poses to us.

30 As I've said, you know, asbestos, we don't know how forgiving asbestos is, but it's like in society we live, taking, you know, the hazards of substances just as we have taken the availability of resources and the availability of

DR. GIBSON: (cnt'd.) energy for granted, and society can no longer do that.

DR. DUPRE: Sir?

5 MR. HUTSULAK: Could I make one comment with regard to the removal of asbestos? It so happens I have a six year daughter and I happened to be driving by her school one day and I noticed there was some work being done on her school. I asked her what they were doing and she said, well, they are taking the stuff out of there that killed my
10 grandfather.

Her grandfather has been dead for approximately two years now, and died directly as a result of exposure to asbestos.

15 There's a six year old girl that's going to have a jump on a number of people because at six years old she recognizes that asbestos does kill.

DR. DUPRE: Questions? Dr. Mustard?

20 DR. MUSTARD: I would just like to pursue your Crown corporation question that Dr. Uffen was discussing with you and ask you a question just as a citizen of this good country.

25 Asbestos is a complex issue. It is mined in Quebec, and a large part of the manufacturing occurs in Ontario, and we are busy struggling about what kind of a country we want to be. If one was going to tackle this issue, and I think you know that we had representatives from Quebec appearing before us, because they have concerns and arguments as well... should such an approach be done provincially or should it really be done nationally?

30 DR. GIBSON: I think, I mean some of the answer of what is actually politically possible will end up in how we settle the argument of what kind of country we want to be. There are certain things that may have to be done nationally. I do

5 DR. GIBSON: (cont'd.) think that that doesn't allow us in Ontario, or the Royal Commission, to pass the buck in saying that there is a federal job to be done here. But in fact if we want, you know, if we have a billion and a half to put in industrial development for the 1980's, and we want to do that looking at electronics and where we need the jobs and look at energy supply, and not look at the hazards of the substances that we are using, we are fools.

10 DR. MUSTARD: That's not quite what I'm trying to get at. I'm trying to get at whether really it's a subject which is provincially important and it's also nationally important, and whether or not because of that one shouldn't recognize the broader interests as well as the specific interests?

15 DR. GIBSON: I think those concerned have to be recognized, but it's in terms of our own...I think Ontario is in a position to put the resources into developing the alternate technologies and that we do ultimately...there are economic benefits for doing that.

20 MR. McCOMBIE: Excuse me, if I can just add one thing to that, I think that we state in our brief that we are looking at this not only provincially and not only nationally, but also globally. But as we all recognize, the form that we are dealing with is the provincial form and that that is the approach that we are taking at this point, but that anything on a national basis that comes out of Ontario, especially, is going to have profound implications for the rest of Canada, and
25 certainly with the development of various areas of provincial jurisdiction, that has ramifications across the country in all sorts of different areas and I think certainly as far as asbestos or any occupational-health related situation. There is a lot of looking at each other's jurisdictions and following suit in
30 many cases, and I think that Ontario has to take the lead in... I mean, being the primary manufacturing province has to take

MR. McCOMBIE: (cont'd.) the lead in controlling this thing.

5 DR. UFFEN: Could I follow you up on this one? There is a little dilemma in my mind that we have run across, and this is concerned with regulation, setting limits, acceptable limits. There are six or seven countries of the world that have very recently, or are about to, reduced the limits of asbestos in the air so many fibres per cubic centimeter.

10 There are another dozen who haven't. Would you have any views about whether this should be done or attempted internationally? Because if one large country sets a very, very severe limit, that tends to export the problem to those nations that don't accept the same standards.

15 MR. McCOMBIE: It's certainly very much a problem. I think that one of the...before we really get to tackle that, I think that Ontario and Canada in particular have to live up to their international obligations. At present the International Labour Organization has set various conventions regarding occupational health and safety, regarding workers' compensation and a variety of other things. Now, Canada and its national
20 government has not ratified those conventions. There's six, the last I heard, there were six specific ones on occupational substances, and there was one on workers' compensation, and none of those seven have been ratified. And the excuse that's always used is, well, this is a provincial jurisdiction so the federal government can't ratify these things because they can't
25 control them, and it gets into this constitutional squabble all over again.

30 I think the first thing we should do is say that occupational health and safety, and in fact the health and safety of the population as a whole, is a priority and we aren't, you know, shuffle it off by passing the buck between Ottawa and Toronto or Ottawa and any of the provincial capitals. Make

MR. McCOMBIE: (cont'd.) it a number one priority and at least, you know, start at the basis that there does exist in the ILO, and work to improve the ILO standards and work to make enforcements of those more stringent than they presently are.

DR. GIBSON: And if I may add, if we develop the alternatives, then we give other countries who, for whatever reason have decided not to lower their standards, at least we give them the opportunity to say, you know, you don't have economic reasons for saying that there isn't another way to go.

DR. DUPRE: Well, Mr. Hutsulak, Mr. McCombie, Dr. Gibson, may I thank you very much for your appearance here with us this afternoon.

DR. GIBSON: Thank you.

DR. DUPRE: Are Mr. Halford and Mr. Ferguson here?

May I welcome, please, to the presenters' table the representatives of the Board of Education of the City of Toronto.

MR. HALFORD: Dr. Dupre, gentlemen, we are very pleased to have the opportunity to be with you today and to make a presentation. With me is Mr. Lionel Ferguson, who is an architect with the Board of Education for the City of Toronto.

Unlike some of the other delegations who have spoken before you, we are here speaking on behalf of an elected public board of education, and I should mention at this point it's a little like being at home with the television cameras that are often in our board room.

DR. DUPRE: It's almost as if you were running for elected office yourself.

MR. HALFORD: Yes.

I think what is different, perhaps, about the way in which we have to approach this matter is that we do speak on behalf of a publicly elected body, who, as well as having concern for its teaching and nonteaching staff and employees,

MR. HALFORD: (cont'd.) have to make the presentation on behalf of the thousands of children under its care..children who are not generally expected or likely to appear before you.

Our brief was intentionally short in order to emphasize our recommendation that schools be given some special status in any kind of asbestos-removal program that may be established.

As a board of education, and particularly the Toronto Board of Education, this matter of asbestos is relatively new to us. But in a very short time we have learned a great deal about asbestos, about the hazards. We are certainly concerned about the range of problems associated with asbestos removal, although we didn't put them in the brief. We are concerned about funding, and about techniques for removal, about the testing process, about the disposal of asbestos, about the media coverage, about community reactions. All these matters have been discussed by the board in its various forms, out in its communities with the local trustees, in board committees. We have a board committee that goes under the name of the Environmental Hazards Task Force, which is a very large committee that reports to the Standing Committee of the Business Administration Committee, a committee made up of employees of the board who have concerns that they bring to us.

These matters have been discussed there, they have been discussed with the board standing committees and with the board itself.

As I say then, our brief was intentionally short in order to emphasize a particular point. That particular point we call special status. We pointed out that under the Education Act children between the ages of six and sixteen are required to attend the school, and also under that Act we are charged with

MR. HALFORD: (cnt'd.) the care and welfare of those children for all the time that they are there, both in the building and in the yard of the building, and we have to carry that charge out in buildings that are built with public funds and supported by public funds. In that sense, those buildings are unlike some other public buildings. Other public buildings, people may have the option of going in them or not, of paying your taxes at the City Hall or mailing them in. The children must attend the school, the teachers must be there to teach them, and the support staff must be there to support them.

Children spend a great deal of time in the buildings, a great deal of time out of their life, and we have come to understand in a short while the significance of that time to the children.

The Commission heard back on December 12th, what I take to be a very important statement from Dr. Muir. Mr. Chairman, with your permission I would like to read that one paragraph because I think it does sum up in a great many ways the concern that we have.

I'll just quote from your minutes of that meeting of December 12th, it's on page twenty-two at the top. Dr. Muir was talking about the unique situation that boards of education and schools are in, and he was asked whether the Commission should address itself in particular terms to schools and young people. "Dr. Muir said this reinforces his view

that each environment should be considered separately, and that what may be satisfactory in one situation may not necessarily be all right in another. He said that fibres inhaled by school children will be there for life, certainly in the case of the amphiboles, although probably less so in the case of chrysotile.

'But I think that the community would be on

MR. HALFORD: (cont'd.) " 'solid ground to make a decision that whatever is good enough in a building such as this should be that much more rigidly controlled where children are concerned. It's difficult to be very scientific, but it seems to me a reasonable decision that schools should be handled more carefully than other buildings. I'm not trying to say that other buildings should be less carefully handled, but one has got to start somewhere.'

He said that one would be on unassailable grounds... his words... 'to say that if children are present and using certain areas for prolonged periods of time, then they merit more attention than perhaps the rest of us. I'd certainly want my own children to be treated in that way, and I think this is not an unreasonable approach'."

Why I wanted to quote that, apart from the fact that it has been before you before and, I think, does sum up a great of the position of the board, the board has taken some action on its policy..it does have a policy. It has a policy which says that for children under its care, removal of asbestos is the goal. And under that policy, we have set up procedures, we have had some practice in those procedures, we have done some removal, we have some idea of what the cost will be, and we have a great many concerns about how this is to proceed if we are to reach our goal.

That, Mr. Chairman, is the reason, again, why our brief was so short. We wanted to emphasize that point beyond any other.

I believe Mr. Ferguson and I would be happy at this point to entertain any questions, and I think we would like to share them, depending on technicality that may be involved.

DR. DUPRE: Thank you very much. Your brief submission is appreciated, and may I say that you join a number of other presenters in the request that this Commission, in terms of its time priorities, examine the advisability of filing an early report on the school control program.

May I start to develop a line of questioning by offering the following observation? There are alternative methods for controlling the asbestos problem in schools, and as you are so well aware, these include removal, encapsulation, isolation. I have an interest in your observations on how the selection of a particular control technique is made once the problem has been identified. I am interested in whether, for example, you have been following a list of criteria that might guide you in the choice among, say, encapsulation and removal. I am interested too, in the extent to which one thing that may be borne in mind in making the decision is the occupational health of the workers who will be involved in the control process.

Now, I very much appreciated the appendix to your submission, which indeed shows us school by school the different methods of correction that are being proposed, so I therefore appreciate that you by now have a good deal of expertise in confronting the choice among control techniques, and I warmly invite any enlightenment that you could give me on that score.

MR. HALFORD: Mr. Chairman, perhaps we could do it in two parts, because there are some technical questions involved and I think I would like to start back with a little bit of history, because I think with us it needs to be put into some context because we have had some experience.

When we first had the public awareness of the conditions in a couple of schools in particular, and staff was called upon to make some recommendations to the board, we certainly did look at a number of ways to do it and we certainly

MR. HALFORD: (cont'd.) went into the business of trying to find out all we could about asbestos and what had been done by the usual methods of bringing in the experts that were available from hither and yon, by going through the inservice program with our building division, by acquainting the trustees and other staff with the difficulties.

At that point, we did look at all of those methods as possible ones for us, depending on the situation. And at that point, you will realize, we were also trying to define those situations and trying to match the methods with the situation....using the advice of people that we had, going to the people that we were beginning to hire to start to work on these projects.

Being the kind of body that we are, we also had to listen to the communities, to the parents, the trustees had to listen to them, we had to listen to the staffs in the school, and our processes are such that when we got to the point where we are now, the methods that we first looked at are no longer the methods that we would consider at this point.

We did make recommendations, for example, about encapsulating a particular job, The kinds of community involvement that we had at that point led to specific board recommendations that encapsulation was not to be the solution, that removal was to be the solution. I guess what our bottom line is, that we have a board policy that says that is to be the solution, all other things being equal.

Now, we have tried some other things because we are not always in a position to move that fast. You have seen the list of schools that we are considering. We have tried enclosing some asbestos in order to allow us some time to get at the project and to be able to carry on the program, but we are now in the position of having to consider on all the jobs that we look at, removal. Now it may mean that we might go to

MR. HALFORD: (cont'd.) an intermediate stage, but that intermediate stage must always be considered in terms of what our final process is going to be. So perhaps we are
5 unlike some other bodies that are concerned with this in that we have really a public policy established by a public board. This, as you can see, will cause us all sorts of other concerns, particularly around the removal business, the concern with the workers who do the job, funding, the timeline on it. So we
10 are at that point.

But I think I would like to ask Mr. Ferguson perhaps to make a statement on perhaps summing up, in a sense, how we moved from encapsulation and enclosure and isolation to the point of removal, and it perhaps will summarize the position of the board.

MR. FERGUSON: Gentlemen, I think you should be aware that I was one of the fortunate or unfortunate members to be part of the Metropolitan Toronto School Board Task Force on Asbestos, and I believe this document you have. So I personally was exposed at an early time to a great deal of research and the document essentially does say, at its end, that removal is
15 the final solution. That is my personal gut feeling as a result of that.
20

But quite apart from what I may say, there are a number of criteria that one must look at. One must look at the...first of all establish whether the material is asbestos, what state it's in, what percentage of material it may be in, and its location, whether or not its location is subject to frequent serious damage, whether it's in an air plenum, and
25 up to this point in time we have been, we have chosen to deal with schools that are either...have asbestos in air plenums or amphibole conditions, because we believe that in fact the amphiboles have been shown to be a more serious threat.
30

We also believe that encapsulation sort of begs

MR. FERGUSON: (cont'd.) the issue. There is the thought that encapsulation may be less expensive than removal. We believe in the long term that is not the case.

5 It's really quite a different matter to be sitting in a sterile, unemotional laboratory talking about these matters than sitting where we sit, facing the day-to-day problems.

10 We think that it's going to take a long time to rid our schools of asbestos, even by removal. We think it would...they will never be rid of asbestos if we go the encapsulation route. The thought of embalming it at great cost for future generations to deal with seems to us ludicrous. It does not seem to serve much purpose either from a day-to-day operation of our buildings.

15 Let me cite a couple of examples: We have a school in which we want to get on with an upgrading of a fire alarm system...an ongoing practice. But it is being inhibited by the fact that the decks that in fact our men would be working on in fact is spread with asbestos. We want to make a pool more safe by improving its lighting. It is being inhibited by the presence of asbestos.

20 Encapsulation of that asbestos would not in fact help the situation, because the men would subsequently have to come behind, break open the encapsulation and be faced with dry asbestos. So we don't think it just makes any sense at all.

25 We have also got the fact that...and I think I can say it's a fact, that there is no knowledge to what extent encapsulation interferes with the fire-rating capability of the material. There are no tests. Tests have been done on the encapsulant, but not on the combination of the encapsulant and the asbestos. So encapsulating may be in fact providing
30 an additional danger at great cost.

Will I stop at that point, and perhaps...?

5 DR. DUPRE: This is more enlightening. May I ask you this, I am going to take everything that you said at absolutely face value, and for that matter as far as the financial costs are concerned, I am going to take that as quite immaterial in the sense not least that an independently elected school authority, which among other things has recourse to tax revenue through property taxation, should certainly in its own wisdom do it at will.

10 Given some of the concerns that have been put before me, what I feel I have to worry about out loud with you is the following: Granted that everything is going forward as I have said, what is there to give me reasonable assurance that the potential occupational health hazard to the workers who will be involved in removal operations for the sake of the environmental protection of the children is being very strictly observed, because I feel, among other things, I have to be worried about whether or not I'm getting into a nasty tradeoff between occupational health on the one hand and environmental health on the other? If I'm not getting into that, well I don't have much of a problem.

20 MR. HALFORD: Another team effort on this.

25 Generally speaking I can assure you that it is the board's concern that any kind of removal be done under the best of circumstances, just as we had a concern about the disposal and the board went through some sessions and wrote off its protests to various agencies and so on about disposal. The same concern is there about the removal.

30 We have had some practice with it, but I think we would appreciate anything that any government body could do beyond our municipal body and our own board to ensure that there are safe practices. We have tried to do that within the board, and I think Mr. Ferguson perhaps can give you some specific examples of how we tried to do it.

DR. DUPRE: Please.

MR. FERGUSON: It is a concern of ours and to demonstrate our concern, we just recently put out a prequalification tender for asbestos removal contractors. We did not wish inexperienced people working in our buildings, for our childrens' sake, and similarly we did not wish inexperienced contractors in the building for their own sake.

So we tendered three or four weeks ago, and the tender documents included the kind of levels of performance that we would expect from a contractor. We received fourteen replies...by the way, I should say that this information hasn't even been to our own committee.

MR. HALFORD: We are in the process. We are...

MR. FERGUSON: We are in the process. We feel a little bit offbase.

It's a staff recommendation at least that two of the firms be denied prequalification, that five first be used on small, isolated, easily controlled circumstances, and of the fourteen only six should be invited to tender on what we would call a major job. Our hope is that we take this to our committees, they approve of it and then we simply do not publicly advertise from this point, but invite tenders from those chosen six.

DR. UFFEN: Is this a common practice in your tendering procedures in other areas, or is this a new...?

MR. FERGUSON: No. No, it happens occasionally in the building industry where there is a project of a very special nature, where you are most interested in ensuring, getting capable contractors. But it's quite a normal procedure in that regard.

DR. UFFEN: You are a fairly large board, able to have architects and staff in a position to make this...what is the approximate size of the professional staff you have at

DR. UFFEN: (cnt'd.) your disposal for evaluating things like this prequalification conditions?

5 MR. FERGUSON: Yes. We have a design services department in the Toronto Board of Education that all disciplines are represented...structural, mechanical, electrical and architectural. The Toronto Board has traditionally for many years been involved in its own design of schools and ...not the building of schools, but the design of schools. So we have a fully-fledged, multidisciplined group. Admittedly, 10 other boards do not...are not large enough to have such a unit, or have chosen not to do so. It's a mixture of both.

DR. UFFEN: Could I...?

DR. DUPRE: Please, Dr. Uffen.

15 DR. UFFEN: You mentioned earlier that you were on the original task force, and I remember meeting you when that presentation was made at our very first meeting.

MR. FERGUSON: Yes.

20 DR. UFFEN: Are you able to advise us now about what things you would do differently in the light of your experience since then? Because we are using that task force report as a datum.

25 MR. FERGUSON: Well, I'm very pleased to say that it is standing up very, very well to circumstances. I have heard nothing, for example, at any of the Commission's public meetings that doesn't seem to fit in with our recommendations. It's really holding up very well, and there's nothing much new come on the scene since then.

30 We did use a mechanical vacuum unit in one of our projects which was something new, and it's a tool which should only be used in given circumstances. It's not a thing to be necessarily used everywhere. The lump sum price was a hundred and thirty-eight thousand, and we did it on a cost-plus with this unit per hundred. In other words, I think we should

MR. FERGUSON: (cont'd.) keep our minds open to technical improvements and not just simply blindly proceed.

MR. HALFORD: Mr. Chairman, could I just go back on that a little bit...

DR. DUPRE: Please.

MR. HALFORD: ...because the question, I know, had to do with the technical aspects of our procedures and whether or not we would change them. The same thing applies to those other more political procedures and to the consultative procedures.

We had a set of procedures the we were required to follow in relation to the communities and the schools where we did the jobs, and we found as we got into that that we had some difficulty in the building division, for example, following the list of things and the order in which they were to be done, because we couldn't make certain kinds of notifications to the communities without having other things done. Until we had the experience, we weren't quite sure that the order would work, and what we had to do there was to go back through our whole committee structure and ask for a change in those procedures to be approved at the board so we were able to do that.

But in order to do that, we had to be able to explain at every point what the technical procedures were, how they were working, why we wanted some change in the other procedures to fit in with them. So we have the capability of doing that, but it's a long process and it's very much on one side a trustee-political-community process, and on the other side, a technical one with the building people offering advice.

DR. DUPRE: Dr. Mustard?

DR. MUSTARD: Can I just follow through on this line of questioning and Dr. Dupre's opening comment? In your hiring then of a contractor to do the job, do you include in your requirement some description of worker exposure? And we

DR. MUSTARD: (cont'd.) go to the extreme point...do you require of them proof that their workers will be subject to no exposure to asbestos? In other words, they will be given complete protection? Do you have any requirement like that in your qualification, in the examination of the people who are going to do the job?

MR. HALFORD: Yes, I believe we do, but we may need some explanation on that and perhaps at the same time how we supervise the job. That might be a way of answering.

MR. FERGUSON: I am not certain whether I got all your question there. We...

DR. MUSTARD: Well, let me put it very simply.

MR. FERGUSON: Yes, please.

DR. MUSTARD: I think I could draw up a proposal with a contractor...we'll hire you providing you provide me with evidence that the control equipment that you will use will give absolute assurance that the worker will not be exposed to asbestos fibres during the removal process.

MR. FERGUSON: We are supported in this by work that's been done in the States with relationship to the acceptability of given modes of clothing, different grades of filters that can be used on masks, and hygiene procedures, showering and the like. I personally cannot attest to whether they will or will not do the job. All I can say is that we are following the best advice that we can find at this time, and insisting that it be carried out by way of inspection.

DR. MUSTARD: But you require then the contractor to show proof that they are going to try to meet...

MR. FERGUSON: Oh, absolutely. It's written in the specifications that they must follow these procedures.

DR. DUPRE: And this includes specifications as to the kind of equipment that will be...?

MR. FERGUSON: Yes.

5 MR. HALFORD: Yes. And the clothing and the kinds of installations that are put in, and we will supervise that in two ways: We supervise it with our staff, as you pointed out we are able to do that, and we tried to train staff through inservice work and sending them elsewhere to get some expertise in that end of it, and also we have been prepared to hire outside supervisors who are capable of doing a number of things like monitoring, so on, and checking along the way and reporting to us.

10 DR. DUPRE: Dr. Mustard? Mr. Laskin?

MR. LASKIN: In your appendix I think I counted up about sixty-seven institutions you identified to undertake some kind of control program?

MR. HALFORD: Yes.

15 MR. LASKIN: Have you made...has there been a contractual commitment in every one of those cases?

MR. HALFORD: No, Mr. Chairman. No, we are working on...because of the funding we are working on a kind of priority list. The board has required us to come up with a priority list and what we have done is to take the schools in the whole system, go through our specifications, go through a testing process, and put them into groupings. We have a grouping for 1981, because we consider that group the one that, as far as time goes, we should get at them first, and it's also all we are capable of doing with the funding in the one year. It's our expectation that all the schools on the list will be done and each year we will come along, before the other budget year occurs, and present the next package. We are still working through that because, as you can realize, with that number of schools we want to be very careful that we have them in the right order. But we have established one kind of order and we are refining the order until we get the package for each year, that we move with.

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25

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MR. LASKIN: How many schools are you doing in this current budget year?

5 MR. FERGUSON: One, two, three, four, five, six. Six removal jobs, plus sixteen other schools that are affected by fire-stop flaps, so the number of schools affected are, this year might be twenty-two.

MR. LASKIN: Is that going to require dislocation of the students while that is happening?

10 MR. HALFORD: In various ways. It will depend on whether it's a whole school we are doing, as we did last summer. We did a whole school in a summer...one of our big experiences. We can also take an isolated area like a gym or a swimming pool and close it off while the rest of the school is in operation. We need to be very careful with that. I think
15 we are getting some techniques where we can feel secure with that.

As for things like the flaps and so on, it may be possible to do them in various holiday periods. I don't mean the summer. The summer is our big working time for a complete school, but we could do some of them, again, either isolating
20 part of the building or doing them over the winter break and the Christmas break.

MR. LASKIN: In terms of financing, is there a cost-sharing arrangement between the board and the ministry?

25 MR. HALFORD: At this point there is. We have grants coming through the Metro Board of Education to our board for this, and there are a number of approvals that have to be arrived at. That is one of the difficulties we have in funding and in putting together our package, because if we don't know the funding early enough we cannot provide the package for the year. It's a recommendation that we would make to anyone who
30 would wish to hear us to give us enough lead time on the funding so that perhaps we could even plan a year ahead. We can't do

5 MR. HALFORD: (cont'd.) any funding until we get the legislative grants. We don't know when they are going to come, they traditionally come in the spring. If they are delayed, that means we don't know the total amount of money we are going to get even for the 1981 projects right now. It would be wonderful to have some idea of how much we could spend in 1982, and then we could put together a package.

10 DR. DUPRE: Just a quick interjection on this though. May I take it that the financing insofar as provincial funds are concerned is on exactly the same basis as the general capital financing for schools?

15 MR. HALFORD: Well, there have been some special funds that have been put aside this last year, I guess, and this year coming, and we have shared in that funding to the tune of about forty-five cents on the dollar, I believe is what our share is...once the approvals are given, then the other part of the money must be raised.

20 DR. DUPRE: Is forty-five cents on the dollar what you normally receive in terms of capital grants?

MR. HALFORD: Yes. Very true.

25 DR. DUPRE: For any capital project?

MR. HALFORD: Yes.

MR. LASKIN: There has been a special fund set aside for the school removal program?

30 MR. HALFORD: There have been extra funds, let's put it that way...there have been extra funds. We would not have expected those funds to do other projects with. We were able to carry out some of the projects that we already had underway that weren't connected with asbestos, and then there were funds available for the asbestos costs. But we still had to raise funds for our part of the asbestos procedures.

DR. DUPRE: This has been very, very helpful to me, Mr. Ferguson, Mr. Halford. We may well be getting back to

DR. DUPRE: (cont'd.) you also, but could I ask maybe a parting question, for the moment? I'm very impressed with the way your whole process seems to be sensitive not only to the occupational health issue directly, but of course to some of the indirect factors that can impinge on it, such as the level of experience of the contractors. When I think of it all, and also think of the kind of expertise that you can bring to bear on the questions, it almost makes me start to speculate along the following lines: If it were to turn out, as it sometimes does in this province, that of course Hogtown, as everyone calls it who is from more than ten miles away from here, or whatever, has all of this expertise and perhaps access to contractors that other parts of the province don't have, would some of your staff perhaps be what would form the nucleus of a Crown corporation that some have recommended to us be considered to do the job right for the province as a whole?

MR. HALFORD: We would hate to lose them, but I'm sure our board would have that kind of public spirit.

DR. DUPRE: Thank you both very, very much indeed. May we take a quick coffee break.

THE INQUIRY RESUMED

DR. DUPRE: Is Mr. Paul Meleta in the audience?

MR. MELETA: I'm sorry, Mr. Commissioner.

DR. DUPRE: Good afternoon, Mr. Meleta. You are appearing, I believe, on behalf of the building department of the Borough of Scarborough, sir?

MR. MELETA: Yes, I am.

DR. DUPRE: Would you please proceed with your presentation?

MR. MELETA: Yes. Our intent in communicating with you was to present the areas in buildings where asbestos is used. A glancing look through the Building Code would not be

MR. MELETA: (cont'd.) sufficient to know that.

For example, fireplaces, the construction of fireplaces is controlled and is specified in the Building Code as having free-standing fireplaces and zero clearance type fireplaces having to comply with a certain ULC standard. That ULC standard calls up another standard for its installation. That standard, being NFPA, relates to certain aspects of the fireplaces and also relates to the installation having to conform with manufacturer's installation instructions. So in short, back referencing from the Building Code would lead you to two other standards as well as manufacturer's installation instructions.

In the case of a free-standing fireplace, for example, NFPA call for it to be installed upon a three-eighths thick asbestos-cement board base. The Building Code calls for a quarter inch...alternatively calls for a quarter-inch asbestos-cement base with sheet metal over it. The manufacturer's installation instructions would relate to both, and may even extend to how one would have to protect a combustible wall next to a fireplace.

In one particular instance, the manufacturer prescribes a one-inch thick asbestos-cement board to be placed against the combustible wall to provide safe operating temperatures to nearby combustible construction.

So in short, from the Building Code, ULC Standard or the Independent Laboratory Standard is called up and NFPA, an American standard-writing body standard, is also called up, and thirdly, the manufacturer's installation instructions are called up, and all of those areas asbestos-cement board is called up.

Similarly, in the case of fire screens and fire separations there are cases where transom areas above a door would have asbestos-cement board. This wouldn't be

MR. MELETA: (cont'd.) evident looking through the Building Code. One would have to refer to a laboratory standard, and in that laboratory standard one would find the construction necessary for that section of the fire separation to meet overall design criteria for time/fire rating.

Wall carpets, carpets mounted on the wall: If you take, say a theatre, a carpet there would have to have a flame-spread rating of twenty-five, which means that this material when compared to benchmark materials, one being cement-asbestos board whose flame-spread rating is zero, and red oak, whose flame-spread rating is a hundred, other materials can be compared. In short, when a carpet is tested and given a flame-spread rating, it must be installed in field, in situ, as it was in a fire test conducted by an independent laboratory who will ultimately confirm the flame-spread rating of that carpet. All wall carpets must be installed upon asbestos-cement board.

That affects us as building officials because we have to enforce these regulations as tested, as must be installed.

Again, one looking through the Building Code wouldn't really know that.

There are also areas in fire screens where glass windows are seated upon asbestos gaskets, there are new furnaces being produced with gaskets around heat recovery coils and around burners leading into the heat exchanger of an oil furnace, for example. So the Building Code just really prescribes certain standards, and from those standards one has to travel along to see the wide gamut of the use of asbestos.

That's basically the gist of what we have to say.

DR. DUPRE: Thank you very much, Mr. Meleta.

In your written submission you appended to the submission a document headed Health Facts that concerns

DR. DUPRE: (cont'd.) asbestos hazards in school buildings, I believe?

5 MR. MELETA: Yes. Yes, this was our municipal medical officer's document.

DR. DUPRE: All right. I note that this document does speak in favour of encapsulation as a control technique that in many instances may be preferable to removal where asbestos has been found.

10 MR. MELETA: I really don't have competent knowledge in that area.

DR. DUPRE: I see. Because I guess the point that your submission brought to my mind was the extent to which there was liaison between the Board of Education and the Building Department of the Borough of Scarborough where
15 asbestos hazards are concerned.

MR. MELETA: Yes. Well, the Scarborough Board took the initiative on their own without any of our prompting. We are basically an approval body. We take a person's submittal...for example, the Building Code defines and
20 classifies certain building as to occupancy area, height and the Building Code suggests minimum fire-resistance ratings and fire-separation ratings. How one client or applicant decides to use and treat these combustible areas is entirely up to him, providing he can satisfy us that the assembly or material he is using has been tested and will fullfil the necessary
25 fire-separation or fire-resistance ratings.

DR. DUPRE: Thank you.

Dr. Mustard?

DR. MUSTARD: Could I ask you a question on that then? I meant to ask it of the previous group if we had
30 time.

In your submission you make the point about the requirements in some cases lead to an asbestos requirement

DR. MUSTARD: (cont'd.) for fire protection. Do you have guidelines about alternate materials that can be used in place of asbestos for this purpose, and if so, for example, when a school board goes to tearing out the asbestos, what do they put in its place and what kind of criteria do you have to make sure that it is giving the same degree of fire protection?

MR. MELETA: We have many alternatives for the structural aspects of fireproofing. In other words, sprayed asbestos being removed from steel beams, there are many substitutes that are available on the market that can be used, and they are itemized in the Underwriters Laboratories handbook, who test these assemblies to verify their adequacy in fire and performance in fire, and there are a gamut, a wide gamut of materials that can be used in substitution.

But not so with wall carpets. The only substitute for wall carpets, backing wall carpets, would be, of course, masonry or concrete, which is in some cases not possible. Drywall, for example, would not be acceptable. Basically, asbestos is still hard to replace in that instance, mainly because it is a benchmark material in terms of flame spread.

DR. DUPRE: Dr. Uffen?

DR. UFFEN: Yes. I am interested about what your own responsibilities are, for a minute. Would you be responsible in any way for inspection of demolition of buildings, or just...?

MR. MELETA: Construction of new buildings.

DR. UFFEN: Construction of new buildings. To what extent would you be involved in supervision of renovations? Do they have to get a building permit from somebody and do you give the building permits?

MR. MELETA: Yes, we do.

DR. UFFEN: Would that include the schools?

MR. MELETA: If there are major changes. If there are major changes in the fireproofing aspect, yes. But the Board of Education is working through the fire department office in that regard. We have only responsibility in renovations when material work takes place. That is, the construction of major partitions associated with an occupancy change. Then in that case we would require a permit. But when one just upgrades or repairs, no, I'm not involved.

DR. UFFEN: When you referred to the Building Code specifications here, where one leads to another and leads to that...if there is a substitute or an alternative one that is every bit as good, say from the point of view of fire protection and so on, do you have discretion now or does this imply that you have no choice? That you have to use what the Building Code...?

MR. MELETA: We have no choice in wall carpets at the present time. If a wall carpet is placed upon another material other than asbestos-cement board, we, as building officials, really have no knowledge about how it would behave in fire because it simply was tested in a furnace, in a tunnel furnace, mounted on asbestos board. So we really have to simulate the test conditions in the field, and when you get down to theatres, there is really no room for discretion or deviation because the flame-spread ratings are really so fine.

In buildings like this or...well, not this, but in buildings like factories where you have a flame-spread rating of a hundred and fifty, you have more to play with and there are more materials available that you could use. But not when you get to twenty-five.

DR. DUPRE: Just to follow up on Dr. Uffen's question. If you do not authorize demolitions in Scarborough, who does?

MR. MELETA: I'm sorry. We do authorize

MR. MELETA: (cont'd.) demolition through our department, yes.

DR. DUPRE: I see.

5 MR. MELETA: That is the entire demolition, not just the recovery or repair, slight modification. In this case, the removal of asbestos, did not come, did not meet the definition as a material change. However, we have met with the board and we have explained to them that when they do have an extensive renovation or removal, we are, our services are
10 available for reference if they need it.

DR. DUPRE: May I please ask you this, in authorizing a demolition do you simply proceed on the following basis: Namely, that any occupational hazards to which the demolition workers might be exposed because of the material in the building being demolished is a matter for the concern of
15 the Ministry of Labour?

MR. MELETA: It is, yes.

DR. DUPRE: So you simply regard that whole question as outside your purview?

MR. MELETA: Yes. We are out of our element
20 in that area.

DR. DUPRE: Dr. Uffen?

DR. UFFEN: A somewhat similar one...are there any regulations that you have to follow about the disposal of the demolition products, like concrete and so on? Does it get dumped into the landfill site somewhere and are you
25 required to supervise that?

MR. MELETA: No, we are not. No. Again, this is outside our domain.

DR. UFFEN: Who does then? Would that be...I wouldn't expect it to be the Department of Labour, but...?

MR. MELETA: Well, environmental...I think it
30 would fall under the provincial authority. I don't really know.

MR. MELETA: (cont'd.) I know it is not our responsibility because our mandate is mainly in the enforcement of the Building Code and the associated local bylaws with regard to playing area, kitchens, garbage storage, anchoring devices, window washing, fence, pools, this sort of thing, as well as the zoning requirements. But we do have through the Property Standards Office a liaison group which can refer people to the right branch at the Department of Labour for that.

DR. DUPRE: Mr. Laskin?

MR. LASKIN: Just one question. You may have covered it before and I may have missed it, but in your supervision of new buildings when you look to the Building Code and the Building Code takes you onward to other references, what aspects of new construction then do you wind up with where you are required to use asbestos or an asbestos product?

MR. MELETA: Well, may I correct you about supervising? We are not a supervisory body. We monitor and we check to see compliance and if we don't have it, we will write orders to gain compliance with the Building Code. If, for example, a base, an asbestos base, were not installed under a stove, well, we would write an order to comply enforcing it to be installed, and it would have to be put in...much to the displeasure of the applicant who may not like the appearance of it. But there are...and this area is changing... there are growing slowly other acceptable materials which can be used now as a base for that area...as with wall shields around fireplaces.

But there is one manufacturer who specifies a wall shield consisting of one-inch thick asbestos-cement board still. Now, we can discretionally say that well, if you don't want to use that, there are other types that you can use. But this particular manufacturer recommends that product and really that's what should be used.

MR. LASKIN: Stoves, wall shields, are those...
are there any other aspects that come to mind?

5 MR. MELETA: Well, carpets mainly...carpets, the
underlay for carpets...they are also in the roofs, in wood
cedar shakes and shingles, the underlay there...one alternative
material calls for asbestos building paper of certain ounces,
and transom panels above the doors in fire-rated doors have
this material...this is again a factory-built product which is
10 assembled in a shop somewhere away from the construction site
and when it comes to the site I look at the label to see
whether it has the appropriate fire-resistance rating which
guarantees the construction, and that's the end of it. We
accept it.

15 There are other areas, gasketing, for example,
to a lesser extent now, but they have appeared in the latest
model of furnace design. That's about the only aspect.

MR. LASKIN: Thanks, Mr. Meleta.

DR. DUPRE: Well, may I thank you very, very
much, Mr. Meleta, and may I say that the central message in
your brief, which is the backreferencing from the Building
20 Code, is very important to get a handle on whether asbestos
is present or not, is well taken indeed.

Thank you, sir.

MR. MELETA: Thank you.

DR. DUPRE: Dr. Gerald Caplan, please.

25 MR. LASKIN: I don't think we have Dr. Caplan.

DR. DUPRE: Oh. Dr. Caplan is not present.

The presenters are from the City of Department...
City of Department, sorry...City of Toronto Department of
Public Health. We are in their hands. I assume that Dr.
Caplan was unable to come. Are you Ms. Lynn Elinson?

30 MS. ELINSON: Yes. I am Lynn Elinson and I

MS. ELINSON: (cont'd.) am in the Health Advocacy Unit in the Toronto Department of Public Health. This is Mr. James Flaherty, in the Food Control and Sanitation Division.

5 DR. DUPRE: Well, Ms. Elinson, Mr. Flaherty, we are in your hands.

MS. ELINSON: This afternoon we would like to make two points to the Commission. The first point is that municipalities, and in this case the Department of Public Health, possess the capacity for dealing with asbestos in the general environment, and particularly in buildings.

10 The second point, however, is that though municipalities may possess the capacity to deal with this problem, they may not necessarily possess the authority to deal with it.

15 Luckily, we think that there may be a way to rectify this situation.

So the way I would like to proceed is first to begin to tell you a little bit about the background of how the Department of Public Health became involved in this issue of asbestos, and I would like to talk very briefly about our asbestos program and tell you a little bit about where we are right now, and then Mr. Flaherty will deal with the authority issue in terms of how inspectors have the authority to deal with asbestos in public buildings.

20 The involvement of the Health Department began back in the spring of 1980, when it was revealed that there was asbestos in a particular high school in Toronto, and this is, as most people will remember, caused quite a bit of public uproar, and it was at that point that the local Board of Health began to wonder how or whether the Department of Public Health should be involved in dealing with asbestos. So the Health Advocacy Unit was asked to report on the issue and

MS. ELINSON: (cont'd.) also the Food Control and Sanitation Division.

5 We issued a report which outlines what we called the systematic approach to the asbestos problem in Toronto, and I think you have had copies of that report.

Basically this systematic approach deals mainly with asbestos as a public health concern, and particularly in buildings. I'll just tell you a little bit about it very briefly.

10 First of all, according to this approach what we say is that young people are at highest risk of disease from asbestos exposure in the general environment. The reason we say this is that although people...although all people may be exposed to asbestos in many different places...in buildings, in occupations and all kinds of areas, children may be or will be exposed to asbestos over the longest period of time...so we consider children and young people to be at highest risk.

15 Our program also is based on the premise that asbestos is commonplace. It has been used in many different things and we cannot necessarily expect to remove all of it...at least not all at once. So basically what we want to do is decide which forms of asbestos to tackle at all, or which ones to tackle first.

20 We know that asbestos is harmful when it is inhaled or ingested, and therefore what we have said is that asbestos which is in a locked-in form, such as in ceiling tiles or floor tiles, is not necessarily hazardous to health. What is potentially harmful, however, is asbestos which has been...which is sprayed asbestos and which may be flaking and disintegrating and crumbling and therefore may be disbursing potentially harmful fibres into the air for someone to breathe.

25 Also according to our program, it is recognized that before action can be recommended, buildings obviously must

MS. ELINSON: (cont'd.) be inspected to see whether or not they contain asbestos and whether or not they contain flaking and crumbling asbestos. The obvious people to carry this out, in our minds, are the building inspectors... I'm sorry, the health inspectors.

It is their particular job function to do this kind of thing. They are examining food establishments and nurseries and other kinds of premises to ensure that the public health is maintained, and if they feel that it is not being maintained, if they feel that there is a particular unhealthy condition as specified in the Public Health Act, then they can issue orders to improve that situation.

Also according to our program, we state that inspectors cannot inspect every single building in the City of Toronto to see if each one contains flaking and crumbling asbestos, but what they can do is to set up a system of priorities to help them to decide which buildings to inspect first. The system of priorities is based on three factors. It is based number one on the average age of the users of the building and the use of the building, number two, and number three, the number of hours per day that the building is used.

Now that really takes us up to what our progress has been since the initiation of our report. Initially it was calculated that over one hundred sixty-three thousand buildings in the City of Toronto were built or renovated in Toronto between the years 1945 and 1973, and these were the years when sprayed asbestos was being used. Clearly we cannot think that we could inspect every single one of those buildings, and we would not be able to depend on building specifications to tell us whether asbestos was in those buildings.

But based on our priority system, what we determined that to begin with there were about one hundred and

5 MS. ELINSON: (cont'd.) one buildings that were identified as high priority for inspection. That's not to say that we would stop there, but basically as a first run there would be one hundred and one buildings, based on the priority system.

10 These buildings include hospitals and private and public nurseries and rehabilitation centres, residential clubs and special youth-related institutions, which would be YWCA. YMCA. Most of these buildings have been inspected in one area of the city, and a number of samples have been sent in to the Ministry of Labour to determine whether in fact the particular material which has been initially identified as asbestos and which is crumbling actually is asbestos.

15 Right now, inspectors are in the process of being trained and educated in identifying asbestos, in taking samples, in learning the guidelines for recommending a course of action. So we can say that our program is beginning to get underway, but as already mentioned, we are faced with a major impediment to that program which we think must be addressed in order for us to continue with it, and
20 Mr. Flaherty will talk about that aspect.

25 MR. FLAHERTY: We feel that one of the problems facing us is whether or not we have a clear mandate under the Public Health Act, which is the piece of legislation that we go into any establishment under, with regard to asbestos because it is not specifically addressed in the Public Health Act anywhere.

30 Currently, we are going in under the general provisions of the Nuisance Section of the Public Health Act. We have a strong feeling that this may well be challenged and we think that since the Minister of Labour has seen fit to draw up proposed regulations specifically respecting asbestos

5 MR. FLAHERTY: (cont'd.) and a number of other hazardous substances...heavy metals and isocyanates and things like that...that this would be the time to lobby for a regulation under the Public Health Act specific to asbestos as it relates to the general environment rather than the occupational setting.

10 Under the existing Public Health Act there are some forty-five different areas where the minister may now make regulations, and it is our feeling that if one more regulation was added to that number it would not be a particularly onerous addition and it would give us a more clear mandate than we have now.

15 We feel that people, especially in the private sector, who may have asbestos in their buildings which may be identified by our department or other agencies and some direction subsequently be given to remove it, we have reason to believe that because of the physical implications that they may not receive this direction with open arms and there may be resistance to effecting the work. Therefore, we feel that we must have a clear mandate to pursue this to a satisfactory conclusion.

20 DR. DUPRE: Thank you. May I ask, as you point out, the Public Health Act is now in the process of being extensively revised into a health protection act. What kinds of opportunities has the City of Toronto Public Health Department had to express its views, the view that you are putting before us today, to the drafters or proposers of the
25 legislation?

30 MR. FLAHERTY: We have had one opportunity in January, I believe it was, to meet with the Ministry of Health officials and to put forward these views. However, that opportunity was somewhat of a plenary session with people from all over the province in attendance, and although we gave a written submission outlining similar problems, as we have in

DR. MUSTARD: (contd.) not is another question.

But I guess what you are really emphasizing to us, the important point if measures are to be taken to control the work environment which is, asbestos is incidental...in other words, you go into an office building to work...that one not lose sight of the need to have a clear definition of who has the responsibility to monitor and who has a clear responsibility to enforce.

I think what you are saying to us is that you very much feel that the Department of Public Health are an excellent vehicle to achieve that. Is that right if I summarize it that way?

MR. FLAHERTY: We are saying that and we are also wanting to emphasize that there are many grey areas.

DR. MUSTARD: That's the reason why there may be a collapse if it's not clarified?

MR. FLAHERTY: Yes, and because of the general nature of our mandate, we traditionally have covered grey areas where agencies like the Ministry of Labour or the Ministry of Environment don't have specific responsibility. It has traditionally been a Public Health role to cover those grey areas.

DR. MUSTARD: I would like to push this a bit further because, you know, the grey areas, I think, are a real problem.

During these hearings one has been impressed with the problems of identification, the sheer magnitude of the problem, the sheer technical problems about doing it. Now, the building demolition issue or if you go into a building to determine if it's got asbestos, etc...would it be your view that there should be one provincial authority with the resource to do this, or that there should be multiple authorities? Secondly, once you have set guidelines for how it should be

5 MR. FLAHERTY: (cont'd.) our submission to you, we did not have as much time to expound upon it as we felt we might have. We don't intend to give up, but we would hope that this Commission would give us some assistance.

DR. MUSTARD: Let's push this a bit further. They have put out a draft document, as I understand it?

MR. FLAHERTY: Yes, sir.

10 DR. MUSTARD: I take it at the present moment that draft document then does not contain anything within it that would really give the Boards of Public Health the responsibility for environmental health hazards that might be building-based?

15 MR. FLAHERTY: Only in the same way that the Public Health Act now does. Instead of using the word nuisance, they have changed it to health hazard. The generality is the thing that we object to. It is our feeling that the more general the Act is, the more specific one is going to have to be in enforcement and the more defences there are for anyone defending an enforcement action.

20 I think just the fact that we are all here, we recognize that asbestos is a pretty big problem, and it would appear that a regulation respecting asbestos would be most appropriate and it would get away from this generality.

25 DR. MUSTARD: I guess historically one reflects a little bit about the dilemma in occupational health and safety, which as you know was previously enshrined in the Ministry of Health, and although one doesn't want to give a judgement, one certainly has been presented with evidence at these hearings of enormous difficulties ensuring suitable steps were taken when occupational health and safety was being handled through the Ministry of Health, and whether the
30 movement to the Ministry of Labour has solved the problem or

DR. MUSTARD: (cont'd.) handled, you know, this is a problem that should be addressed, should there be one provincial authority or many provincial authorities?

5 MR. FLAHERTY: It would be our view that there should be one provincial legislation, piece of legislation, enforced by local health agencies for these specific areas we are talking about not covered by the Ministry of Labour and the Ministry of Environment, much in the same way as the Public Health Act is now.

10 DR. MUSTARD: But would they use a common resource base to do some of the identification and whatnot, or would we be setting up multiple resources bases which have some implications?

15 MR. FLAHERTY: Well, now, we are using the common resource base, that being the Ministry of Labour, as far as lab facilities are concerned. But the Ministry of Labour lab facilities are much overworked.

DR. DUPRE: Dr. Uffen?

20 DR. UFFEN: I would like to ask you a bit about your inspection priority system. I could see that you had a magnificent problem of...was it a hundred and sixty-three thousand buildings, and that you couldn't possibly cope with that.

MS. ELINSON: Right.

25 DR. UFFEN: I have read the general nature of your priority system, use, age and number of hours of use. How sensitive would the system be to slight changes in these criteria? For example, if you changed the age...I'm not sure what age you used or whether you used the same age for different kinds of buildings like nursery schools and universities or hospitals...would it change your hundred and one to a hundred and two very easily? It implies a precision which, you know, if you said a hundred...I would round it off...a
30 hundred and one implies a precision to your system. Was it

DR. UFFEN: (cont'd.) really there?

5 MS. ELINSON: No, and I don't think I would want to leave you with that implication because in fact I think what we are after is more a methodology for just making the whole thing more manageable, and it's not a hundred and one because it was based on a computer system anyway, where we all know that, you know, there are problems in terms of how...

DR. UFFEN: Things that are left off, you never find.

10 MS. ELINSON: Sure. Sure. And no, we would never intend to just stop right there with the hundred and one.

DR. UFFEN: But now if you had the authority this would involve the right to inspect, and in some circumstances people get quite sensitive about who can come in, who has the right to inspect. Also, taking samples may mean something quite specific to you and me, but to somebody else when they see you taking a chunk off the ceiling, they wonder what you are up to.

20 Don't you think that this system would have to be rather specifically defined before you could expect to be given that authority?

MS. ELINSON: No. I think that basically that system is really to just make everything more manageable and help the department to be able to deal with just a very large situation...

25 DR. UFFEN: You wouldn't use it as the reason why you had chosen building A and demanded access? Suppose there's two buildings side by side and you decide to go into A, but not B, and the owner of A says, why? And you say, well, on our priority list you are on it, but he isn't? I would perceive quite a bit of maybe legal problem about this, unless it was testable.

30 MS. ELINSON: I would not see using it in that way.

DR. UFFEN: Okay.

DR. DUPRE: Mr. Laskin?

5 MR. LASKIN: Have you started your inspection program as yet? Have you actually gone into any of these hundred and one buildings?

MR. FLAHERTY: Yes, we have.

MR. LASKIN: How many of them?

10 MR. FLAHERTY: I think we've done probably about fifteen.

MR. LASKIN: What have you found, in a general way?

MR. FLAHERTY: We don't have the results back from the Ministry of Labour yet.

15 MR. LASKIN: I take it from your brief at the present time you are keeping an open mind as to what type of control program, if any, you may implement? Or have you come down with some policy on that?

20 MR. FLAHERTY: We are keeping a fairly open mind. Our intention is to outline to the responsible party, be it a corporation or an individual or whatever, the options open to them and the recommendations as to our perception of the best state-of-the-art route to take at that time, with the proviso that it be done by competent people.

In other words, the competent people would be also consultative people, presumably.

MR. LASKIN: Would also be...I'm sorry?

25 MR. FLAHERTY: Consultative people, presumably, who would also guide them in the best route to follow, of the three.

MR. LASKIN: In the fifteen buildings that you went into, have you experienced any problems in being able to go in and inspect and take samples?

30 MR. FLAHERTY: No, we haven't yet. But again, we haven't initiated any enforcement action. Basically it's

MR. FLAHERTY: (cont'd.) not on the going-in aspect of it. The only problems we have anticipated is where, as I think Dr. Uffen touched on, is where you go into a place say where a number of people are working...'all right, what are you doing here'...we are inspecting for asbestos here. We may get a panic situation, you may have people...'oh, is there is asbestos here?!...refusing to work now.

This is why we think we may encounter resistance and we may have people who want to block us from inspecting and want us to show them before we go in...under the current Public Health Act we have the right to go in if the Medical Officer of Health has reasonable and probable grounds to believe there is a health hazard there. But that's very broad and on its face one would think there would be no problem with that. However, if someone refuses to let you in, then you are going to have to get a judicial order to get in...and to get the judicial order you are certainly going to have to establish that there is a hazard there or there certainly is reasonable grounds to believe there is that hazard.

MR. LASKIN: You haven't had that problem yet, I take it, in...?

MR. FLAHERTY: We haven't had it with asbestos, but we have had some experiences with lead and other things where it did become an issue.

MR. LASKIN: Your other concern is on the enforcement side?

MR. FLAHERTY: Yes. Once you get to enforcement then further down the pike you may encounter power of entry problems, because people tend to become a little defensive once you have initiated an enforcement measure.

DR. UFFEN: Have you had experience with inspection priority system for other hazardous substances, like mercury, you mentioned? Do you have such...?

MR. FLAHERTY: Not in mercury. In lead we have.

DR. UFFEN: Lead, pardon me.

MR. FLAHERTY: I don't think that the lead
5 question can be termed an inspection priority system analogous
to the case of asbestos, because the lead wasn't considered to
be as ubiquitous as the asbestos. In the case of the lead, we
could plot certain areas of the city where we considered the
hazard to be greatest and prioritize it that way as distance
10 from lead sources. So there is somewhat of an analogy there,
but not...

DR. UFFEN: Downwind transportation of a vapour,
and ...

MR. FLAHERTY: That's right. That type of thing.
Plumes, that type of thing, yes.

DR. MUSTARD: I wonder if I could ask you a further
15 question on this issue. First of all...two questions...are
there any other groups that you know of trying to examine the
problem in the kinds of buildings that you are looking at, or
is it just your group in Toronto that are doing it?

MR. FLAHERTY: As far as we know it is our
20 group that is doing it, and the Ministry of Labour, on
complaint, as far as we know. On a demand service.

DR. MUSTARD: I see. The second question is...
in your experience have you met with any of the owners of any
of the buildings to find out if they have actually gone ahead
25 already and done their own survey to see if there is a problem?

MR. FLAHERTY: We have had owners of buildings
come to us to let us know they are doing it, and to ask advice.

MR. LASKIN: What would be a typical enforcement
order that would be made? Would it include the way in which
the hazard is to be eliminated, or would it leave that to the
30 owner involved?

MR. FLAHERTY: I would have to say...we haven't
made an order, as I said, yet. I would have to say that it

MR. FLAHERTY: (cont'd.) would...

MR. LASKIN: In other substances?

5 MR. FLAHERTY: In other substances we do not
have specific regulations either as far as hazardous substances
are. Now in the case of lead, the format that the order...or
any orders that were issued during that time...it would
establish that we considered a certain situation to be a
hazard to health or a nuisance under the Public Health Act,
10 to wit: And then the circumstances. Then it would say that
you are ordered pursuant to the provisions of the Public
Health Act to abate this nuisance, and then specify a time.

But it would not...in the case of lead it did
not specifically lay down how to do it.

15 MR. LASKIN: Would you contemplate this same
situation with respect to asbestos? That is, you would leave
the method up to the owner?

MR. FLAHERTY: Legally, yes. In the case of
the lead we had many discussions with people and met with them
and examined different methodologies by which abatement of
20 the nuisance could be accomplished.

DR. DUPRE: I would just like to follow up on
all this.

25 As I understand what you have just said,
hypothetically you could, having inspected a building, gotten
back a report that had tested for asbestos, presumably you
could issue an order in the following form, that whatever
amount of asbestos has been found constitutes a public
nuisance. Then, as you point out on page fifteen of your
brief, your remaining problem, again under the kind of
legislation is, as you put it, that the courts have been
30 rigorous in insisting that a precise hazard to health be proven
to exist. Well, you know, without, of course, ever for a moment

5 DR. DUPRE: (cont'd.) trying to think of what is on the mind of our judicial courts, there is, for example, an ambient air guideline issued by the Ministry of the Environment, which is zero point zero four fibres. It's only a guideline, but I put it to you, would the existence of this guideline at least not constitute a case with which to equip some learned counsel who is going off to court to do battle on your behalf? That zero point zero four, since the ministry says ...has a guideline about this...could be deemed by their lordships to be the equivalent of a precise measurement of the hazard, and therefore a nuisance?

10 MR. FLAHERTY: I think it could be deemed that way, but there is also just as good a chance that it wouldn't be...if it is not a regulation or a statutory provision...but if it is a guideline. And that's the problem with guidelines.

15 DR. DUPRE: Okay. Could I...ask just two other questions. In the whole field of regulatory administration there is a principle that's known as the piggyback principle. Namely, you have...if you have in place any inspectorial work force that is employed by different agencies, there is the tendency over time, as new problems are discovered, to piggyback on the existing inspectional task force the duty of looking, of inspecting for whatever hazards are involved. The piggyback principle, of course, in many ways is administratively...can be quite a rational economical way of doing things, until, of course, the last straw breaks the piggy's back and then you are really in considerable difficulty.

20 The piggyback principle, of course, in many ways is administratively...can be quite a rational economical way of doing things, until, of course, the last straw breaks the piggy's back and then you are really in considerable difficulty.

25 Now, do I take it that in terms of the... of what you are advocating the revised Public Health Act do, can I take it that you feel relatively comfortable about the capacity of your inspectional force, as it is now composed, to have this kind of additional service piggybacked onto it?

5 DR. DUPRE: (cont'd.) Can they readily do it without creating major personnel problems for you or creating a need for expansion or things of that sort?

10 MR. FLAHERTY: No, we don't feel comfortable with that, and we do feel that if we got into this thing...the further we went with it, the greater that problem would develop. As a matter of fact, early in our deliberations, in the paper referred to on page two, I believe it is...on page one...we had made some proposals to the politicians regarding the formation of an asbestos squad if need be, if the need was demonstrated. That was not a popular political item at that time. We would be happy to trot out that idea again if we could demonstrate the need.

15 DR. UFFEN: Could I follow up on that?

DR. DUPRE: Please, Dr. Uffen.

DR. UFFEN: The City of Toronto has a great many facilities, but does that Act and the probable revisions to the Act...it would apply all over the province?

MR. FLAHERTY: That is correct, yes.

20 DR. UFFEN: Would you have any advice to offer about all the other small, medium and large communities? Would they be able to cope with additional requirements?

MR. FLAHERTY: We would hope that they would emulate us.

25 DR. DUPRE: But you would be talking here about...it would be the health district units, is that what they are called, Dr. Mustard?

DR. MUSTARD: That's right.

DR. DUPRE: Which are regional health districts. You feel that they would have the capacity to...?

30 MR. FLAHERTY: We feel that they would have the capacity as much as we have the capacity.

DR. DUPRE: Have they made similar representations to yours, to the Ministry of Health? The health district units?

MR. FLAHERTY: None that we know of.

MR. LASKIN: I have no more questions.

DR. DUPRE: May I thank you both most sincerely for having come to visit with us in the later afternoon.

The Commission now rises until seven o'clock this evening.

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THE INQUIRY RESUMED

DR. DUPRE: Good evening, ladies and gentlemen. May I please welcome the Canadian Union of Public Employees, Ontario Division. The presenters are headed by Ms. Lucie Nicholson, the president of the Ontario Division.

Ms. Nicholson?

MS. NICHOLSON: Thank you. With me I have our director of our Health and Safety Department, Colin Lambert, who will answer any questions that you care to ask.

Because of your time limits, Mr. Chairman, I'll dispense with telling you who the Ontario Division of Canadian Union of Public Employees are. I'm sure you are aware of that, you've read the brief.

On the critical issue of human exposure to asbestos, we wish to emphasize at the outset of this submission to you that our interest is in the advocacy of total protection for CUPE workers from the negative health effects of asbestos exposure in the workplace. Of equal concern to us is the health danger faced by the public, our families who make use of buildings and facilities we are employed to maintain. This interest is an immediate one.

On March 28, 1980, a coroner's jury investigating

MS. NICHOLSON: (cont'd.) the death of a thirty-seven year old man decided that he died of mesothelioma, causes: from a higher than normal exposure to asbestos fibres.

5 Clifton Grant had been employed as a carpenter by the Scarborough Board of Education from 1968. Part of his work for the board was the cutting and drilling of asbestos sheets. At present, seven CUPE members, all hydro workers, diagnosed to have asbestosis are waiting decisions from the Ontario Workmen's Compensation Board. With some urgency, we, the Division of the Canadian Union of Public Employees, respectfully submit the following observations and recommendations for your consideration. We also wish to indicate at this time our full support for the submission by the Ontario Federation of Labour to your Commission.

10 The National Institute for Occupational Safety and Health, NIOSH, has made the following recommendations:

"Evaluation of all available data provides no evidence for a threshold or for a safe level of exposure to asbestos. In view of the above, the standard should be set at the lowest level detectable by available analytical techniques. NIOSH suggests that only a ban on the use of asbestos can assure protection against cancer."

20 Dr. Gordon Atherley, Director of the Canadian Centre for Occupational Health and Safety, has drawn the same conclusion. He has shown that no correlation exists between above zero exposure levels and zero cancer rates. To the contrary, he has demonstrated that to achieve a zero cancer rate, the exposure level must also be zero.

25 In a document prepared for the Ministries of Education, Colleges and Universities by the Ontario Ministry of Labour, the Occupational Health and Safety Division, titled "Inspecting Buildings for Asbestos", the following statement

MS. NICHOLSON: (cont'd.) is made: "It is impossible to estimate confidently the exact degree of risk associated with low-level exposures. However, exposure to asbestos at any level is considered to present a health risk, which increases with the duration and intensity of exposure".

While various standards do exist covering a worker's exposure to airborne asbestos fibres, no standard has been proven to protect a worker from asbestos-caused cancer. CUPE can therefore only view exposure levels above zero as unacceptable. To accept any standard set above zero exposure would be to accept a compromise between financial cost and our physical health. We cannot afford to make this compromise.

Within the public sector area represented by the Canadian Union of Public Employees, we have been unable to find any more than a few workplaces where satisfactory programs have been initiated for the identification of asbestos.

In February of 1980, directors of education in Ontario were issued a memo from the Ministries of Education to begin sampling fibrous materials in their buildings for the possible presence of asbestos. Included with this memo was the manual produced for them by the Ministry of Labour, titled "Inspection of Buildings for Asbestos".

While this memo and the accompanying manual are an indication of concern and an important first step to the complete removal of asbestos from our schools, it does not provide a guarantee ensuring inspections be done by competent persons. Ontario Hydro is the only other major public sector workplace where a program has been instituted for the identification and the removal of asbestos.

In response to questionnaires sent out to our

5 MS. NICHOLSON: (cont'd.) hospital locals and homes for the aged, we have found no evidence that inspection programs have been instigated. This obviously does not exclude the possibility that some inspections have been made. However, we find it beyond all reason that hospitals and homes for the aged have not received very specific directions to ensure patient and worker safety from exposure to asbestos.

10 Sadly, questionnaires indicate that only ten percent joint health and safety committees in the health care sector have been consulted about asbestos.

15 Municipally, the search for asbestos is really far from started. The only municipalities to be noted where programs for inspection have been instigated are Toronto and Windsor. In both cases, programs started after strong union insistence.

In public sector areas where joint health and safety committees are not permitted by law, we can have no confidence that action is being taken to protect workers from exposure to asbestos.

20 Certainly employers have the responsibility to be aware of hazards in their workplaces. So, too, joint health and safety committees have a responsibility to investigate for potential hazards where they work. Even the individual worker has the responsibility to report all hazardous conditions.

25 To date, the government of Ontario, through its Ministry of Labour and its Occupational Health and Safety Division, has placed great emphasis on the philosophy of internal responsibility. In other words, they have decided to let the employers and/or workers in Ontario take responsibility for initiating inspections, identification and cleanup of asbestos at work sites. This philosophy or policy as
30

5 MS. NICHOLSON: (cont'd.) it relates to public sector workplaces has been far from effective, and we contend, far from meeting its own responsibility to the citizens and to the employees in this province. Particularly where the Government of Ontario participates in the funding of a public service, it cannot avoid the responsibility of ensuring both a safe workplace and a safe service to the public.

10 It appears, however, that a major redirection in the thinking of our provincial government and its Ministry of Labour will have to take place before we can be assured that all workplaces will be inspected for the presence of asbestos.

15 Without entering a technical presentation on the subject, it seems clear that no uniform standards for the identification and measurement of airborne asbestos fibres or building insulation in the workplace exists. Our ability to know if asbestos is present at a work site cannot be secured while sampling is haphazard, while the technical resources for accurate analysis of samples is limited, and where competent persons are not available to perform the identification.

20 In his submission to your Commission on December 12, 1980, Dr. Chatfield discussed the problems of measurements of asbestos. He pointed out the inaccuracies that can and have occurred in the sampling and measurement for asbestos. We trust that your Commission will give serious consideration to all submissions for the accurate standardization of asbestos detection.

25 I won't read to you, because you have indicated that you would like us to not take up too much time, the excerpt from the Ontario Ministry of Labour manual titled "Inspection of Buildings for Asbestos". It's found on page 5.1 and on page 6.1.

30 I will read 6.1: "Encapsulation, enclosure and deferred action allow the asbestos material

5 MS. NICHOLSON: (cont'd.) "to remain within the building. It is important to recognize, therefore, that the risk of hazardous asbestos exposure may be increased by changing conditions in the building. For example: asbestos material can be damaged by maintenance, by repair or renovation activity, causing further fibre release".

End of quote.

10 In addition to throwing more doubt on any consideration being given to the maintenance of an unknown safe exposure level and reinforcing our position that only zero exposure can be acceptable, the preceding suggestions by the Ministry of Labour give support to our position that only complete removal of asbestos from buildings will
15 provide acceptable protection from exposure to the carcinogenic effects of asbestos.

The method of removal: Unfortunately, in too many instances where removal of asbestos takes place, removal is treated as a routine task with little or no protection to the workers involved. Also, in the interest of expediting
20 removal, proper training of workers in safe handling practice is often ignored.

At this point in our submission we would like to make the slide/tape presentation which describes the method we consider necessary for safe removal.

25 DR. DUPRE: Thank you.

MS. NICHOLSON: Have you decided to do it at the end?

DR. DUPRE: Well, if you prefer to do it now, we are quite open to doing it. We have to interrupt the tape proceeding oneway or the other.

30 MS. NICHOLSON: Because of your time limits, we'll do it at the end.

DR. DUPRE: Well, I doubt if it will make any difference in the time limits, madam, so it's your preference to do it now...?

MS. NICHOLSON: I understand that we have to use the tapes...

DR. DUPRE: Pardon?

MS. NICHOLSON: We'll have to use the tapes.

DR. DUPRE: Well, if we do that, we can't see it at all, so I think...

UNIDENTIFIED SPEAKER: We can send a copy of the narrative.

DR. DUPRE: We can get a copy of the narrative later, so I think if you make the machine accessible now...and since this is where your written presentation did call for it, let's do it your way.

MS. NICHOLSON: Thank you.

(REPORTER'S NOTE: At this time the recording of the inquiry proceedings was interrupted to facilitate the slide/tape presentation by CUPE.)

THE INQUIRY RESUMES

MS. NICHOLSON: ...the disposal of asbestos, there are no effective restrictions against the unsafe disposal of asbestos. Exposure occurs as the result of construction and removal operations where asbestos is placed in plastic bags or open containers for transport to a landfill site. Some asbestos is also left at curbside by homeowners.

Exposure to asbestos is another of the many health hazards faced by garbage collectors and landfill workers. Unmarked, unsupervised disposal of asbestos at landfill sites for burial also increases the amount of airborne fibres in the general environment, and the danger of water contamination.

MS. NICHOLSON: (cont'd.) Recommendations:

Any standard for workplace exposure to asbestos should be set at the lowest level detectable by available analytical techniques.

The use of asbestos in Ontario should be banned.

Identification of Asbestos:

Uniform standards for the identification and measurement of airborne asbestos fibres and asbestos fibres in building insulation must be established.

A standard and accurate practice must be established for the taking of samples for identification.

Technical facilities in Ontario must be sufficient for prompt and accurate analysis of samples.

Competency standards must be set for all persons involved on asbestos identification.

Removal of Asbestos:

To ensure protection from the carcinogenic effects of asbestos, it must be completely removed from all buildings in Ontario.

Removal of asbestos must be carried out in such a way that human exposure is prevented.

Workers must be trained in the safe removal of asbestos where it is required.

No removal of asbestos should be started without notification of the Ministry of Labour.

Regular inspections of the removal must be made by the ministry.

Asbestos for disposal should be placed in sealed containers and transported to old mine sites for dumping.

MS. NICHOLSON: (cont'd.) Municipalities should make available to residents a special pickup for all asbestos or asbestos-suspected material.

Contracting and demolition companies must be required to identify and safely remove all asbestos prior to regular building demolition. Air sampling should be used during both identification and removal procedures. Long-term air sampling should be used to monitor the success of a removal. We do not, however, recommend air sampling as a control measure. There is no safe level of exposure to a carcinogen.

Government Involvement:

The government of Ontario must establish mandatory standards for the sampling, analysis, removal and disposal of asbestos. It must direct all employers and joint health and safety committees to begin identification programs for asbestos. It must ensure that competent persons perform the identification, monitoring and removal. Its inspectors must monitor all identification and removal programs.

Ontario's Ministry of Labour, Occupational Health and Safety Branch, must recognize that its philosophy of internal responsibility, as it relates to the removal and inspection for asbestos to date, has not been effective to any significant degree and that therefore:

1. Ministry inspectors be directed to instigate inspections for asbestos in all Ontario workplaces

MS. NICHOLSON: (cont'd.) where inspections have not already been made.

2. Inspectors be directed to order the removal of all asbestos found as a result of these inspections.

3. Inspectors be directed to supervise all inspection, removal and disposal to ensure safe practice.

Thank you, Mr. Chairman. If you have any questions I'm sure we will be quite willing to answer them.

DR. DUPRE: Thank you very much, Ms. Nicholson.

I note in your brief that you do express some concern about the extent to which acceptable safety precautions are in fact currently being used in asbestos-control programs.

Do you have some specific for instances in mind?

MR. LAMBERT: On the control programs or the identification?

DR. DUPRE: On the kinds of control...well, put it this way. On the safety precautions that are taken at the moment when specific control projects, whether it's removal or encapsulation, are carried out?

MR. LAMBERT: A specific instance would be the Harbord Collegiate...when the contention of the damper controls was being pushed around, and the removal of the damper controls was done by a company who wore masks to do it. CUPE members were then told to go in and sweep up the dust.

That isn't a control. I mean there was absolutely no control for the CUPE members, although the people removing them had somewhat of a protection...not the kind of protection we were looking at in the slide presentation, but they did at least have masks. CUPE members were sent in to do the cleanup with absolutely no protection, with no warning and with no indication that there was a health hazard.

MR. LAMBERT: (cont'd.) Other places...across the country as well, this isn't just an Ontario problem, of course, and we are involved right across the country with CUPE
5 members. Other places, we know for a fact that immigrants have been taken off the street and been paid fairly low wages for the removal of asbestos, without any protection at all. It would be my supposition that these aren't isolated cases, that this is happening wherever asbestos is being removed. But it isn't being done in the manner that we looked at in
10 the slide presentation or the manner that the Ontario Federation of Labour suggests it should be done, but it's being done with absolutely no controls at all and with most of the workers not aware of the potential hazards to their health.

DR. DUPRE: Could I just pursue the Harbord Collegiate case for a moment? I take it that your experience
15 there was that the workers who were actually involved in the removal were protected to some extent, but these individuals would have been the employees of the contractor who did the job?

Is that correct?

MR. LAMBERT: Right. And also, while they
20 were...during the removal, the Ministry of Labour was involved and they inspected to see that it was being removed, but there was no involvement once the CUPE members became involved and were told to go and do the cleanup.

DR. DUPRE: And the CUPE members who were involved
25 were part of a regular inhouse school maintenance staff?

MR. LAMBERT: Right.

DR. DUPRE: The employees who were involved in the removal were the contractor's employees.

MR. LAMBERT: Another example, and you'll be
30 hearing much more of this when you go to Windsor, was the sampling done by a Windsor School Board employee who was just sent around to do the sampling with absolutely no

MR. LAMBERT: (cont'd.) instructions at all, except he was given the directive from the Ministry of Labour.

5 DR. DUPRE: Just one last question on the Harbord case, to your knowledge were the employees, who were the employees of the contractor, unionized or unorganized?

MR. LAMBERT: I'm not sure. You might like to ask Jack Bird that when he comes up later.

DR. DUPRE: Thank you.

10 Dr. Mustard? Dr. Uffen?

DR. UFFEN: Yes. You mentioned Ontario Hydro as being one organization which had a plan. I believe there may have been some history leading up to this. Perhaps you would like to describe this a bit, and I would like to know your view is at the moment of whether the Ontario Hydro arrangements are satisfactory from your point of view or not?

15 I'll tell you why I have it in mind. It's a Crown corporation, and a couple of times it has been suggested to us that Crown corporations might be the vehicles for the future in this respect.

20 MR. LAMBERT: The Ontario Hydro history was a history of co-operation with the local union. There was discussion about removal, there was discussion about the extent of the exposure, there was discussion about the program itself, how long it would take and everything else. We are not satisfied with the length of time that it's taken, but we are satisfied that Ontario Hydro have seen fit to recognize the problem and to implement a program that removes the problem.

25 In most cases they are removing. In other cases we know that they are encapsulating...they tell us because the operations will be closing down in a couple of years and the removal will be done then. They are encapsulating until then.

30 But we are satisfied when you compare the kind

5 MR. LAMBERT: (cnt'd.) of co-operation we have had from Ontario Hydro with the rest of the co-operation throughout the province, with the rest of our experience throughout the province. Certainly we...one thing that must be pointed out in Ontario Hydro, they have a history of strong health and safety committees, they had them contractually away before Bill 70 was introduced. They had very strong language in their contracts, and consequently the health and safety committees were very active and that was the reason, or one of the reasons that Ontario Hydro went the route that it went. 10 Certainly Ontario Hydro are to be commended in light of other experiences we have had across the province.

15 DR. UFFEN: Would there be any relationship, perhaps, to the fact that it's...in recent years it has been dealing with working conditions where clean rooms and things like that were quite normal? You know, it wasn't considered strange to have all these facilities for washing down and changing your clothes and so on?

20 MR. LAMBERT: I don't doubt that with Ontario Hydro's concern with their public image, because of the nuclear power problem, that that had an effect on the program. I wouldn't doubt that one bit. Ontario Hydro certainly respond to criticism in a different way to other organizations, and I would suggest that that and the suggestion that you made had something to do with the program as well, that kind of response.

25 DR. UFFEN: Would you have any view as to whether there is any real strong correlation with the fact that it is a Crown corporation with a board of directors appointed in a somewhat different way from the normal corporation? It's a monopoly...?

30 MR. LAMBERT: I can only assess industrial relations with Ontario Hydro on a whole, and our experience is they are no different from any other employer...the number of

MR. LAMBERT: (cont'd.) grievances that go in are the same, the type of grievance is the same, the arbitration cases are the same. I don't think that a Crown corporation makes that much difference to the type of employer across the province.

DR. DUPRE: Mr. Laskin?

MR. LASKIN: Do I take it from your brief, Mr. Lambert, that notwithstanding the strength of the health and safety committees at Hydro over the years that you question that kind of approach on a more widespread basis to dealing with these kinds of problems?

Or am I reading your brief incorrectly?

MR. LAMBERT: Yeah, you are reading the brief incorrectly. I think what we are saying is that the joint committees envisaged under the Act, under Bill 70, are not working. They are more, in the public sector particularly, they are not working.

There is a terrible reluctance on the part of management to accept joint committees. That is particularly true in the hospital situation. It's true in the school board situation and somewhat true in the municipal situation.

What we are trying to say in the brief is that the so-called internal responsibility of the ministry has to have as part of its program a joint health and safety committee. When you say joint, surely you mean equal? Sure you mean equal interest, equal co-operation, equal in all ways?

We know that's not true because the law doesn't give it, but surely you mean that when you say that, when you say a joint committee. That isn't coming about.

Ten percent of our hospitals that responded to a questionnaire said, yeah, they spoke to us about asbestos at one time or another. Ninety percent that responded said, asbestos has never been discussed one way or another with the joint committees, in spite of the fact that a Royal Commission

5 MR. LAMBERT: (cnt'd.) is going on, in spite of the fact that we have had a year of intense publicity on the school boards, in spite of all the things that are happening in the asbestos, with the asbestos problem. Ninety percent of our hospitals' health and safety committees have never discussed the problem.

10 Where the problem has been discussed in the hospitals, in the municipalities, they have been told we have no health problems, period, that's it. And that's end of discussion.

15 Now, these aren't joint committees. These aren't the way the joint committees are supposed to work. Where the programs in many cases...some school boards have done a good program...but in many cases, as will be explained in the next brief, there has been tremendous problems in getting them to talk about asbestos, even where it has been identified. When you get down to Windsor, you'll see that problem firsthand.

But the joint committees are not working. The joint committees just are not doing the job that they can do.

20 I heard questions in the previous two days about whether joint committees could be a useful tool in recognizing hazardous substances in the workplace, the new hazardous substances. I would suggest they haven't got a hope in hell when they can't even get hold of an asbestos problem. They are not allowed to get hold of an asbestos problem. They are just not allowed to be working.

25 DR. MUSTARD: Let me just ask you one question. Would that hold true for Ontario Hydro joint committees?

MR. LAMBERT: On what point? On recognizing...?

30 DR. MUSTARD: You said the joint committees are not working, yet you earlier said that Hydro had had joint committees even long before Bill 70. What I'm trying to get at is whether the joint committee function doesn't

DR. MUSTARD: (cont'd.) work, or what basically you are up against is the attitude of management/labour within organizations that are not creating joint committees?

5 MR. LAMBERT: We believe the joint committee function can work, but it's not being allowed to work, is what we are saying.

Another thing, Hydro wasn't forced into the joint committees, as the public sector employers are.

10 DR. MUSTARD: What about public sector within government?

MR. LAMBERT: You would have to ask OPSU, because we don't...yeah...because we don't deal with...there's not many of our employees that are government employees.

15 MR. LASKIN: Does the legislation need some more teeth in that area?

MR. LAMBERT: In the area of the joint committees? Certainly. Yes, it certainly does.

MR. LASKIN: Can you put any specifics on that?

20 MR. LAMBERT: One specific I could put onto the joint committees is their role has got to be more than an advisory role. They have to have some rights to make changes within the workplace, that the recommendations that they come up with have them got to be implemented.

25 That's off the top of my head right now. I mean, there are other things that I'm sure that we can come up with if you would want us to enlarge upon that.

30 MR. LASKIN: I take it you don't reject the approach if it's a workable one? I mean, you don't reject the idea of a joint committee. What your complaint is, I take it, is that they are not working in the manner which you had hoped they would work in and the manner which they obviously have worked at Hydro?

MR. LAMBERT: The Occupational Health and Safety

5 MR. LAMBERT: (cont'd.) Act, Bill 70, is an animal that came out of the toil of labour. We asked for joint committees, forever we asked for joint...I don't remember a time we didn't ask for joint committees. It's our idea. It's not management's idea, it's not government's idea. It's our idea. So we certainly would be foolish to say no, we don't agree with it now, but it's not working the way it should. They just aren't. In the public sector they aren't working the way they should.

10 MR. LASKIN: Thanks, Mr. Lambert.

DR. DUPRE: Thank you very much indeed, Ms. Nicholson.

15 Mr. Lambert, since you seem to be travelling with the team tonight, so to speak, may I ask you to introduce the individuals who have come to the table, and...

MR. LAMBERT: I'll introduce Mr. Jack Bird, who is...

DR. DUPRE: Mr. Bird.

20 MR. LAMBERT: ...the CUPE representative in the Toronto area and is co-ordinator for the school board locals in Toronto.

DR. DUPRE: Good evening, Mr. Bird.

MR. BIRD: In the province...provincial co-ordinator.

25 Thank you, Mr. Chairman. On my left is Miss Vera Fenton, who is the secretary of the Education Institute Co-ordinating Committee.

DR. DUPRE: Has the transcriber got the name?

THE REPORTER: May I have the spelling, please?

DR. DUPRE: May he have the spelling, please?

MR. BIRD: Vera Fenton, F E N T O N.

30 DR. DUPRE: Thank you.

MR. BIRD: On my right is Mr. Bernie Oldham, who is the president of the Metropolitan Toronto District Council of CUPE. Next to Miss Fenton is Mr. George Messenger, who is the vice-president of the Metropolitan Toronto District Council of CUPE.

We will be dealing with two briefs in one...I guess it's a tag team affair with two out of three falls, whatever.

DR. DUPRE: Thank you.

MR. BIRD: We do have a supplementary to our brief, to our submission, that we would ask for approval to submit to you at this time.

DR. DUPRE: We would be happy to receive it.

MR. BIRD: It's really an expansion of some of the areas we have touched upon within the brief itself.

DR. DUPRE: Thank you.

MR. BIRD: For the benefit of the people in the audience, we do have additional copies of our brief available for distribution to those that request same.

Obviously you have been in receipt of our briefs for some period of time now, and I'm quite certain that you have read them thoroughly so we don't see the necessity of reading them out verbatim. What we are planning on doing is highlighting in the content of the two briefs, and then we would deal with the recommendations.

If that meets the with Commission's approval, I would first off expand somewhat on the first page of our submission and point out to you that our concerns are obviously as employees working within the educational systems in Ontario, but we've got concerns that go far beyond that.

While it might sound as if we've got a monopoly on emotions or whatever, I would suggest to you that the nature of our jobs, putting us in daily contact with the children in

MR. BIRD: (cont'd.) the schools, makes us very concerned about their well-being, as well as the well-being of our members, and we look at what has happened within the school systems already and the proven tragedies that have occurred to our members.

When we look around at the children that are in those same schools, our concerns are increased, obviously, for them.

Beyond that, and as we suggested to you, many, many studies already conducted clearly establish that exposure to asbestos can result in various diseases directly attributable to that exposure. We don't see the necessity of adding further proof of the dangers of asbestos. I think that has been clearly established and will be reinforced by many people that are far more qualified than we are to establish that fact.

What we would suggest to you is that the purpose of this Commission is not to establish asbestos as hazardous, but rather what levels of exposure, if any, can we ascertain as being safe. And two, how can we best achieve the objective demanded to us in answering the first question. We are suggesting that it is a foregone conclusion that asbestos is dangerous. We don't need to argue that, just try and determine if there are any acceptable levels, and obviously we'll get into that.

Two deaths have already occurred amongst our members...fairly well publicized, and to a large extent those two deaths were attributable to the creation of this Commission. Our concern is, and maybe we are somewhat biased, because we have had a long relationship with the two boards of education that were involved in the deaths and we are not going to suggest that they were uncaring employers. They were not. They were fairly responsible employers and cognizant of the health of their employees.

5 MR. BIRD: (cont'd.) If this can happen in boards
of education that have acted responsibly in the past, there are
many other boards of education who have not had the same record
of responsibility (sic) as far as we are concerned anyway,
so we are of the opinion that in all likelihood there have
been other deaths caused by exposures to asbestos within
education institutions. They just haven't been proven. That
obviously the conditions that existed in the Borough of York
and the Borough of Scarborough have been duplicated right
10 across the country, and in many of those cases we would
suggest the employers were not as responsible as York and
Scarborough have been in the past.

15 Going on from there, we have very real concerns
about the methods that have been utilized to date in carrying
out the inspections and I think suffice to say they are totally
inadequate, in our opinion. Too many times somebody has sat
in a board office and looked at blueprints, and through that
determined that there is no asbestos or there is no problem
with asbestos. Had they gone out into the schools and looked,
they would have found it. Had they spoken to the people that
20 are responsible for maintaining those buildings, they would
have been told where to look for it. It hasn't been happening.
Really, it has been left to chance, and that's one of the
reasons why we are making some of the recommendations that
we have.

25 On page three, and I think it's, in our opinion
anyway, important enough that we should read it out verbatim:

30 "Having identified the presence of asbestos,
there must be a satisfactory resolve. There
are no studies that have conclusively established
safe levels of exposure. On the contrary,
studies have only been able to establish those
levels that are not safe.

5 MR. BIRD: (cont'd.) "Speculation, conjecture
and assumptions are not valid criteria. In the
absence of conclusive proof to the contrary,
we would suggest there can be no acceptable safe
levels, and this is particularly so when we
recognize that these so-called acceptable levels
cannot be proven for many years, and then they
can only be contradicted through further tragedies.
10 It's too high a price to pay."

We would suggest to you, as is stated in our
brief, that while there are three ways of dealing with the
problem...removal, encapsulation and isolation...in our
opinion the only permanent and safe solution is the complete
removal and replacement of asbestos.

15 Again, we have dealt with some of that in the
brief.

On the question of disposal of asbestos, the
methods used to date are totally inadequate. The methods
used to date have generally been burial in plastic bags at
a landfill site, and as we have stated, to the best of our
20 knowledge we have yet to develop a plastic bag that can stand
up to a twelve-ton bulldozer. Obviously, something better
needs to be done.

On page five, and again it's one of the highlights
of our brief, in our opinion anyway: "While we recognize that
25 the Ministry of Education has made available
funds that cover most of the costs incurred
by boards of education in this area, more is
required. In the face of declining enrollment,
boards of education are forced to contemplate
the closing of many schools. Costs incurred in
30 asbestos removal might very well encourage boards

5 MR. BIRD: (cont'd.) "to close schools that would otherwise have remained open, or to cut back in other areas such as in classroom teachers, ancillary services that are provided to the students.

10 Asbestos removal must not be influenced by other financial considerations, nor can it influence educational programs. In order to insure that necessary educational programs are not curtailed, and that removal of all hazardous asbestos proceeds with the greatest of urgency, all costs should be absorbed by the Ministry of Education."

15 It is pointed out to me today, for instance, that in a school within Metropolitan Toronto at the present time, there is exposed asbestos that I'm told is flaking. The board of education does not have the money to remove it.

20 Concerns are heightened by the fact that it is 'only in the caretakers' lunchroom'. Maybe if it was in a classroom it would have been removed. But again, it's an attitude that is symptomized really by the treatment of the caretaking staff in Harbord Collegiate where the students, the teachers, the secretaries were sent home because of the fear of asbestos being present. The caretakers were left on duty to remove that debris that was left over from the removal program.

25 Somehow the Board must have thought that those blue suits they wore had a red S on the chest and they were immune to it.

30 We put in the body of our brief some of the concerns we have, we come into specific recommendations. Now, before we enter into them I would ask that the Metropolitan Council of CUPE give some of the background to their brief and then we

MR. BIRD: (cont'd.) can deal jointly with the recommendations that both groups are making.

DR. DUPRE: If you please.

MR. OLDHAM: Thank you, Mr. Bird.

Mr. Chairman, I am not...as well I'm not going to deal with the specifics of our brief because I'm sure you've read it. However, in listening to the brief that came before us I noticed that you got into the Hydro situation. I personally worked for Toronto Hydro, and we had a health and safety committee for some years, for a great deal of time before Bill 70. That committee has, over the years, worked with relative success. However, it has become somewhat more successful since Bill 70 has been enacted.

However, it certainly doesn't perform at the level that it could if we were not purely an advisory board rather than had some teeth or had some authority to make recommendations that in fact would be carried out.

We have on the Toronto Hydro system determined that there is a great deal of asbestos in the workplace, and we have been involved with our employer for some time and have had agreement with them to remove that asbestos from the workplace and have hired specialized people and trained them, and we've gotten into specialized procedures for the removal of the asbestos. It's the position of that employer, the commissioners of that employer, to remove the asbestos.

So I was somewhat caught with you raising the issue of Crown corporations and the public employer as being more responsive. I think in our experience they have been.

However, that is not to suggest that there wasn't certainly some pressure came to bear on them from the union.

However, I think one of the issues with asbestos is certainly economic. That's one of the issues I believe that those who are in the business of making a profit will be taking

MR. OLDHAM: (cont'd.) the hardest look at.

5 Yes, we may want to remove asbestos, but how much
is it going to cost and how will that affect our profit margin
and can we get the government to bail us out on this issue?
Are they going to provide the funding if in fact we agree or
if it is in fact the government's position to remove the
asbestos?

10 So in our submission, with respect, we believe
it's certainly highly an economic issue and the resistance
that will come to this Commission from employer groups, it is
our view, will primarily be based on economics as opposed to
what is in the best interests of the workers.

15 As Mr. Bird has indicated, we will be getting into
the recommendations, but again, our recommendations again will
certainly fall back on the issue of economics and liability on
the part of the employer dealing through his liability to
protect the worker in the first instance, and also to provide
compensation if in fact disease does develop down the road
that is related to that exposure.

20 I think that one of the...certainly the main
thrust of our brief is that our concern with exposure to
asbestos is primarily in the area of cancers caused from that
exposure. As you have heard, I'm sure, in great length, there
is a lot of difficulty with measuring the asbestos that is
present in a workplace or in a building, and it's also difficult
to determine the amount of exposure that may in fact cause
25 disease. And there is a lengthy latency period in most instances,
fifteen to thirty years, before disease may develop. One of
the other complicating factors is that a worker can be exposed
and then move from that particular environment, and many years
later develop that disease, making it very difficult to link
30 that back to the exposure.

Also, of course, with that difficulty there hasn't

MR. OLDHAM: (cont'd.) been some sort of a record placed with the WCB so that he can in some way get compensation for that illness that may in fact have been caused in the workplace, from that exposure.

So I'm not going to go on at any length with our brief. I'm going to go to the recommendations. I guess we can begin with the recommendations in our brief. It's on page twelve.

It is our position that the Government of Ontario adopt the position that there is no acceptable level of exposure to asbestos.

That all public buildings in the province of Ontario be inspected to determine whether or not asbestos materials are present, and where asbestos is found a program of removal shall be instituted at the earliest possible date.

3. That all employers in the province of Ontario be instructed to determine whether or not asbestos materials are being used or present in their workplaces. Where asbestos is in use, an alternative material shall be obtained to replace the asbestos and the asbestos materials that are in the workplace at the time of inspection will be removed.

4. That the government of Ontario instruct the employers whose workers have been exposed to asbestos to institute a program of medical examinations and tests for workers exposed, and this program shall be continued on a yearly basis and that it be recorded with the Workmen's Compensation Board of Ontario along with the names of the workers and time of exposure.

5 MR. OLDHAM: (cont'd.) 5. That the government of Ontario develop a set of guidelines of procedures necessary to protect the public and the workers who will be engaged in the process of elimination from the workplace and public buildings of asbestos.

Do you want to go with your recommendations?

10 MR. BIRD: In our brief, the recommendations have been touched on briefly before.

The first one: We would recommend a thorough physical examination of all the educational facilities in Ontario. Such examination to be conducted by personnel from the Ministry of Labour, with the participation of caretaking and maintenance staff of all buildings examined.

15 In addition, examination teams should include representation from affected employee groups.

Let's have the people involved in the examinations that know where to look. Let's not send somebody around with a pair of coveralls, a clipboard and a flashlight. They don't know where to look.

20 2. The results of all examinations must be presented to all employee groups and made available to the public.

I would remind you of the problems experienced by the Toronto Board of Education last year where they announced that there were fourteen schools where asbestos had been identified, yet they refused to name the schools...which created grave concerns among the parents of all children attending any school within Toronto, because they didn't know what schools were affected.

25 3. The complete removal of all asbestos from educational facilities within Ontario.

30

MR. BIRD: (cont'd.) 4. All removal programs to be developed in conjunction with the affected employee groups and relevant community organizations, which would include probably the home and school association for that school.

Again, to insure the parents that their children are not being exposed unnecessarily.

All removal and disposal programs must be subject to final approval by the Ministry of Labour.

5. Performance bonds be posted by any firms employed in removal programs.

Let's not have any more Delta Dental Companies where they go belly up and leave other people holding the bag.

DR. UFFEN: That's the first time that's been mentioned.

MR. BIRD: 6. During the removal process, mandatory daily inspections by Ministry of Labour inspectors and joint health and safety committees.

7. That suitable containers be required for transportation and disposal of asbestos, and that special disposal sites be designated by the Ministry of the Environment, and that such sites receive constant monitoring.

8. The total cost of asbestos removal in educational facilities be borne by the Ministry of Education.

9. In all testing, electronic microscopes be used and number of samples tested to be determined by the joint health and safety committees.

10. That standards be established for test procedures and certification programs developed

MR. BIRD: (cont'd.) for technicians involved.

11. Substitute materials be proven safe or subject to continuous testing and monitoring until proven safe.

Mr. Chairman, I would also like to deal with the supplementary submission as well, which really arises out of the events that gave rise to this Commission, the death of Clifton Grant.

As we have suggested to you, particular note must be made of the Clifton Grant case. The diagnosis of mesothelioma proved a direct link to asbestos exposure.

Clifton Grant had only twelve years of exposure in the Scarborough Board. Previous to that he had been living in the West Indies and not exposed to this type of substance. This could well mean that the latency period was twelve years, and not the period of time we generally have been led to believe it is.

We have always assumed that the latency period in mesothelioma cases was twenty to thirty years. The Grant case may show this to be untrue. If so, the prediction can be made that children who start school at five years of age may develop this type of cancer by the age of seventeen, and this concept is a frightening one. The Commission may like to pursue this avenue in determining the incidence of mesothelioma according to age. I don't think that's ever been taken into consideration before, but new fears are raised by the very short period of time that it took to develop in Clifton Grant.

I guess before we expose ourselves to questioning and challenging, I would draw particular attention again to our summation on the last page where we suggested that the action warranted will be expensive. We admit it. But the failure to act will be more expensive both in terms of human

MR. BIRD: (cont'd.) suffering and the financial cost to the community.

5 Our children spend a great many years within the school system. Their years of exposure are more than many of those of the proven victims.

10 All briefs to this Commission are obviously self-serving in that they are designed to support the point of view of those submitting them. Ours is no exception and we make no apologies for it. It is predicated by an overriding concern for the environment in which we work and the environment in which the students learn and spend a great deal of their days.

15 As taxpayers..and let's not forget there is a cost involved, we admit that...as taxpayers we will bear the cost of the corrective measures. We are willing to accept that cost as taxpayers.

20 However, we are convinced that economic considerations must be secondary, that you cannot equate human tragedy to dollars and cents. It's going to cost money, and as taxpayers we are willing to pay for it. That should be the overriding concern...how can we best present a safe environment within the educational system of Ontario and not necessarily what is economically feasible? I don't think you can equate them.

25 With that, we are prepared to answer any questions that you might have, or any the audience may care to put to us.

DR. DUPRE: Thank you very much, Mr. Bird.
Thank you, too, Mr. Oldham.

30 We had an interesting presentation this afternoon...I don't know if any of you happened to be here for it, from the Board of Education for the City of Toronto.

As I listened to the answers that were given to

5 DR. DUPRE: (cont'd.) some of the questions that we posed, I began to relax a little bit about a concern that I had entered the session with...at least in the following two senses: What came through to me was that the City of Toronto Board of Education had a rather good system for sorting out what kind of control measures as among encapsulation, removal, etc., should be applied. In terms of sorting out these priorities it was responsive to the wishes of the elected school board members, reflecting, of course, parents' preferences.

10 I then also developed a feeling from listening to the presentation that the Toronto Board of Education appeared to be very sensitive to something that other presenters, including the OFL, have reminded us of, namely that the school asbestos control programs can be prey to fly-by-night contractors whose lack of experience and so on can adversely affect safety conditions in the projects.

15 Now, I listened to that and found some reason to feel that they were exemplary in many ways. I gather, of course, from a point that has already been put on the table tonight that perhaps the state of relations between the board and its maintenance employees in terms of health and safety measures leave something to be desired. But I just summed up the kind of reaction I had to what I was told this afternoon.

20 Can I ask you if, from your own observations of what has been going on in the Toronto area in terms of the skill and precautions of the contractors, whether what I heard this afternoon is a mirror of reality as you see it?

25 MR. BIRD: Yes, it is. That's one of the reasons why we have suggested in our brief that a performance bond be posted by all companies involved in the cleanup, that we have that very real fear of fly-by-night operators and it's

MR. BIRD: (cont'd.) a very new field and unfortunately some are going to get into it that are in over their heads, and that's being charitable to them. There are obviously some very responsible firms. My understanding is that the procedures being undertaken in the removal of the asbestos in Weston Collegiate is of the highest calibre, and that's the type of standard we would expect to see applied across Ontario in the removal.

We have an excellent relationship with the Board of Education for the City of Toronto, and I think the Harbord Collegiate situation was an aberration.

DR. DUPRE: I see.

MR. BIRD: We have long had an excellent relationship and we would commend the Toronto Board of Education for their enlightened approach to it.

Now, that does not say that everyone within the Toronto Board is without fault. I think the Harbord Collegiate situation was a breakdown in an administrative function, where somebody on one side, unbeknownst to the trustees that it was not board policy, decided that it was safe for us, maybe our members were expendable. I don't know what the reasoning was behind it, but no, we would not question the sincerity or the competency of the Toronto Board of Education.

We would not, however, give them a blanket endorsement because we are of the opinion that some of their administrative people...as must be expected in any system that large...are not as competent or concerned as they should be.

DR. DUPRE: From your own vantage point, Mr. Bird, as the provincial co-ordinator, what kind of a picture do you see as you look across the province? One reason why I'm asking this question is precisely because a point that has been put in front of this Commission is that perhaps serious consideration should be given to putting the responsibility for

DR. DUPRE: (cont'd.) all asbestos control programs in schools right at the level of the provincial government and taking it away from the local boards.

5 MR. BIRD: Okay. We sent out a survey to all of the school board locals in Ontario. I've talked with a great many of them personally. Some of them have had very satisfactory programs of inspection. Others, unfortunately, were of the type we have described in the brief where there is no consultation whatsoever with the local union. When they have been questioned that 'how could you inspect this school, we never saw you in there'? 'Well, we went over the blueprints in the office and from that we determined there was no problem in the schools.'

15 In other cases, somebody walks around with a flashlight and pokes his head up through the false ceilings in a few places and determines there was no problem that way. If I could suggest to you, and we touched upon it in our brief, we know where the problem lies...through the continual maintenance and renovations of the buildings that we are involved with, and it was that type of routine maintenance work that exposed Ken Gardner in the Borough of York to asbestos.

20 He was a plumber. He did not instal the asbestos on all the pipes and steamlines within the school. He mixed it up and replaced it when he had been working on those lines. I've got personal knowledge. I used to work with him, and I guess I've got some concern with this myself because I can recall many times standing there talking to him while he was mixing it up to apply. Nobody knew there was a danger.

25 Now, obviously the people that work on those lines know where the repairs have been done. That would not show up on any blueprint. So we are saying that the individual school boards cannot be left alone responsible for it.

5 MR. BIRD: (cont'd.) We have the Toronto Boards that will do it in a very responsible manner, but unfortunately we have other boards...and I'm not suggesting that they might be irresponsible, but they might not be convinced of the urgency of it. This is something that only happens to employees of Johns-Manville, and we seem to feel that a lot of other people are immune. Well, it's the problem of the entire community, obviously, but that does not always hit home to some of the individual boards across Ontario, and it can't be left to chance.

10 I would suggest to you, and again you'll hear more of it when you go to Windsor, I think the Windsor attitude was most cavalier and again, that cannot be acceptable, as far as we are concerned anyway.

15 DR. DUPRE: Dr. Mustard?

20 DR. MUSTARD: I have two questions. One is tied in to the points you are making and the broad recommendation, and I guess it's clear you feel that all asbestos should be removed from the buildings. And your priority, I suppose, the priority that initiates you to remove that asbestos is which is most hazardous in terms of its flaking qualities, or do you have any policy on that? Or you have to remove it all at once?

25 MR. BIRD: Obviously you can't remove it all at once. No, I think probably one of the most detailed studies that we are aware of anyway in that area would have to be the Metropolitan School Board Task Force report, where they have established priorities as well.

30 DR. MUSTARD: That policy, that program they have, will remove all the asbestos from the Toronto schools when it's finished? All of the asbestos?

MR. BIRD: I don't believe so. Mr. Messenger, who is employed...and Miss Fenton, are both employed

MR. BIRD: (cont'd.) by the Board of Education of the City of Toronto. They could give more details, I'm sure, on the Toronto specifics. But I don't believe it is all removed as yet.

DR. MUSTARD: I see.

MR. BIRD: I would be extremely surprised if it were.

DR. MUSTARD: I just wondered if their policy was to remove it all.

MR. BIRD: Yes, it's an ongoing problem.

DR. MUSTARD: It is to remove it all?

MR. BIRD: Yes.

DR. MUSTARD: Now, you mention the hospitals, with which you have had interesting labour relation recently. Is this a stonewall to get into that area, to get any discussion about the asbestos problem in the hospitals?

MR. BIRD: Okay. Well, our brief has been directed really toward the educational institutes, which is my particular jurisdiction. Probably Mr. Lambert could offer more insight into what is happening in the hospitals.

DR. MUSTARD: You don't have to, unless you care to comment on it, because I am left with the impression that...

MR. BIRD: We have run into this same situation elsewhere, where this is management's prerogative, we will decide what's safe, what is not safe, we know what the problem is, you are the uneducated masses, you are not qualified really to judge or to question our assessment. I would suggest to you it is not unique to hospitals. That my experience in the hospital field several years ago is that there is a greater form of regimentation or a class structure in hospitals than there are in other sectors of employment. But it is still evident to a degree in the school boards as well, in other jurisdictions.

5 MR. LAMBERT: The point to be made for the hospital structure is that no program is ongoing in the hospitals, that the only hospitals that we know are responding to the call to look for asbestos are the ones that are doing it at the insistence of unions.

10 Unlike the school boards, there has been no directive around to the hospitals to say go look for asbestos. That applies to the municipalities, too. There has been no instructions to look for asbestos in the libraries and in the halls and the offices of municipalities, and they are not doing it voluntarily.

DR. MUSTARD: I see. I get that point.

Can I just change the subject. The Clifton...

15 DR. DUPRE: I think Mr. Oldham wished to...

DR. MUSTARD: I'm sorry.

20 MR. OLDHAM: Just a point on the hospitals, I think, and it's faced in many of the public workplaces, and again it comes back to the issue of the joint health and safety committees. It's not just the asbestos problem that employers are reluctant to look to, it's the whole question of the interference in the workplace by unions dealing with safety matters. So it's a broader...that's one particular issue, but it's a much broader-based problem and it comes back to the joint committees.

25 DR. MUSTARD: I would like to change the subject slightly and pick up the Clifton Grant story. Asbestos, of course, has been used in construction in a major way for thirty years, and I wonder if you've approached the Ontario Cancer Treatment and Research Foundation, which keeps a cancer registry, to see if there is any evidence of a mesothelioma increase, particularly in relation to the kind of employment people
30 associated with your union have?

MR. BIRD: I don't know whether Mr. Lambert has.
We haven't...

DR. MUSTARD: You haven't discussed it with them?

MR. LAMBERT: No, we haven't.

DR. MUSTARD: Because I think it would be
interesting to know whether there really is any identifiable
shift in the incidence of mesothelioma, and I think they might
be able to provide some of the data.

MR. LAMBERT: We were hoping you would look
into that.

MR. BIRD: Again, speaking from firsthand
experience, with Ken Gardner there is a tremendous difficulty
in even diagnosing his problem, and it took the doctors a
long, long time to determine just what was wrong with him.

I guess one of the problems was that they
never expected that to show up in a plumber in the employ of
a board of education. You know, maybe there were obvious
signs there that they ignored because they just didn't foresee
the possibility of it.

DR. MUSTARD: I am a pathologist and at death,
the diagnosis, unfortunately, is relatively easy to determine.
Of course, that's the wrong time to make the definition.

The cancer people do have statistics on this.
They may or may not help us in this area, but...

MR. BIRD: I was thinking about before the
fact, before you got him. But he was undergoing treatment
for a fairly long period of time and they were not sure what
was wrong with him. They could not discover it.

DR. DUPRE: In any event, Dr. Mustard, I think
Mr. Lambert's impression is correct and we will be looking
into precisely that source of information.

Dr. Mustard? Mr. Laskin?

I have no further questions, so may I please

DR. DUPRE: (cont'd.) thank you very much, Mr. Bird, Mr. Oldham, your colleagues, Mr. Lambert for the double duty, for your very excellent presentations this evening.

5 May I welcome now the presenters for OPSEU.
Mr. DeMatteo?

MR. DEMATTEO: Yes.

DR. DUPRE: Mr. DeMatteo, good evening.

MR. DEMATTEO: Bob DeMatteo and George Webster.

10 DR. DUPRE: Mr. Webster, you are a member of
the executive board?

MR. WEBSTER: That's right.

DR. DUPRE: We are in your hands as you wish
to proceed.

15 MR. WEBSTER: Good evening. My name is George
Webster. I am executive board member for the Ontario Public
Service Employees Union. Here with me to represent OPSEU is
Mr. Bob DeMatteo, Occupational Health and Safety board.

20 I would like to state now that OPSEU fully
endorses the OFL brief presented to you previously. Let me
say at the outset that given the already existing evidence on
the lethal character of asbestos, my union finds it surprising
that we now have a Royal Commission investigating this matter.
Little can be said that hasn't already been stated before
regarding the scientific and technical evidence incriminating
asbestos as one of the most potential carcinogens known to
man.

25 Workers knew for sixty years that insurance
companies would not sell them policies, but it took government
the full sixty years to stumble on the truth.

30 We have learned from past experience with
workplace hazards that without exception industry always lies
about the hazards, and government rarely tells the truth.

With rare exception, the amount of misinformation

MR. WEBSTER: (cont'd.) that is given out is staggering. Virtually every case of occupational disease is preceded by workers' complaints, anxiety and rumours, which employers invariably term as mass hysteria.

In the case of asbestos workers, they were met with catch phrases regarding their complaints, such as: you can get chest pains while digging in your garden.

As the body count mounts, the government plays a number game setting asbestos safety standards as the number of fibres in a cubic centimeter of air. First it was thirty, then twelve, then five, now two, and in some jurisdictions, now zero. Today government is spending millions to take asbestos out of schools, money which would not be spent if government had paid attention to the complaints of asbestos workers when they started.

Government and industry are just not dealing with the human factor.

It is our union's view that enough is known about the lethal character of asbestos to require concrete government action to eliminate both the hazards and the risk. Given the extent of the death and disease caused by this substance, and the probable future devastation, workers will no longer tolerate the numbers game or the political procrastination that comes in the form of another Royal Commission.

There is no substitute for the kind of hard-nosed and necessary political decisions that our government must take, given the incriminating evidence available. The available evidence indicates that there is no safe level of exposure to asbestos, neither the level of exposure nor the duration of exposure has to be high for insidious damage to occur.

Available evidence also indicates that the

MR. WEBSTER: (cont'd.) population risk is expanding. It has become clear that our own members, public service employees and the public are at great risk to this very lethal hazard.

While OPSEU does not represent production workers, many of our occupation groups in the public sector handle asbestos directly. Such groups include auto mechanics, boiler repairmen, electricians, welders and maintenance men. Since most buildings are fireproof, soundproof, they are insulated with asbestos, office workers, repairmen and the visiting public are also exposed. Many buildings have already been identified as containing asbestos...offices, schools, hospitals and community colleges. Indeed, the Ministry of Education intends to spend several million to deal with asbestos in the community colleges.

It is our view that neither present standards nor the present methods of containment are effective in eliminating the risk to asbestos-related diseases.

I can give you an example of the poor way that is handled with containment. I work for the School for the Deaf in Belleville. There are some old buildings and steamlines, waterlines, electrical conduits, run through the ceilings. These are covered by asbestos, the steamlines. When they work on the other areas, they put their ladders on the steamlines that are supposed to be sealed. Obviously the seal is then broken and the asbestos is freed.

Therefore, we call on the government to make the only normal, accepted decision on asbestos. They must take steps to eliminate the risk of cancer and death associated with exposure to asbestos. To do otherwise is to make a decision on what level of death and disease is in the final analysis acceptable. While you here may find this possible to do, and while the government may also find this

MR. WEBSTER: (cnt'd.) possible to do, we in the labour movement will reject it and resist it.

Concretely speaking, we recommend the following:

A ban on the nonessential use of asbestos.

The introduction of suitable and safe substitutes.

The removal of asbestos from all public buildings and it's safe disposal.

The introduction of standards that keep exposure to asbestos to the lowest detectible level by means of stringent engineering controls.

In closing, we would like to note that the government has instituted a Royal Commission to deal with only one carcinogen agent out of one thousand, five hundred that are currently in use in our workplace. Is it the intention of the government to have a Royal Commission on each one of these when the body count gets too high? We hope not.

Rather we would suggest to this Commission that a carcinogen policy be developed immediately that requires any substance causing cancer in test animals to be treated as a potential carcinogen, and that that policy be based on the sound assumption that there is no safe level of exposure to cancer-causing agents.

Bob would now like to make a few statements and answer any questions.

DR. DUPRE: Mr. DeMatteo.

MR. DEMATTEO: Some of the statements I would like to make really are by way of example, and one of the examples I would like to talk about has to do with this bag of asbestos material that I have here, and that's quite a big sample actually. This sample was taken from the E.C. Drury School for the Deaf last year in May, and this is one sample taken off the shop tables at the school where ceilings collapsed...ceilings of asbestos collapsed on top of the

MR. DEMATTEO: (cont'd.) students and the faculty at that school, and we do note in our brief that particular incident, and there are a couple of things I think are important to note about it.

First of all, when we heard of the problem via telephone, we called up the school. The administrator at the school indicated that the problem was well in hand, under control, that the Ministry of Labour had been involved in it.

We then called the Ministry of Labour and I spoke with Mr. Rogens, I believe is the chief engineer for the Ministry of Labour. He told me that there was no problem, a little bit of asbestos had fallen from the ceiling, the teachers were just hysterical.

The next day I visited that building myself and made an inspection tour, and I found, as our brief states, large quantities of asbestos. This is just one sample from one desk at that school...from a shop table, actually.

We made a tour in some of the classrooms. There were at least forty square feet of asbestos that had fallen from those ceilings onto those children.

My investigation also revealed that the situation was not well in hand, as a matter of fact. Originally they told me that the area contaminated had been sealed off. That was not the case. In fact, there was a welding class with twenty students in it taking place in that particular area. That welding class was right across the hall from a print shop which was undergoing ceiling treatment by a contractor.

What I saw there was gross. The contractor obviously did not know what he was doing. The workers were not protected. They were spraying sealant on the ceilings to try to contain the asbestos. Meanwhile, a compressor operating that spray equipment was blowing air all over that room and

MR. DEMATTEO: (cont'd.) blowing the asbestos which was lying on the floor across the hall to the classroom where students were taking their class.

5 Students had access to that area, teachers had access to that area, and obviously we had access to that area, and we could come and go. Students were tracking that stuff throughout the school.

When we approached the administrator about the problem, he told us that it was none of our business.

10 The only thing that got action for us at that school was the announcement to that administrator that the members of that local of OPSEU were going to exercise their right to refuse under the Occupational Health and Safety Act.

15 Now, there is another organization involved or implicated in that whole affair, and that is the Ministry of Labour. That body is responsible for administering and enforcing the Occupational Health and Safety legislation. Obviously what I saw there and from what the administrators had to tell me, the Ministry of Labour was not doing its job.

20 I was told by the administrator that he would do nothing unless he was told otherwise by the Ministry of Labour, that the Ministry of Labour definitely condoned that activity.

25 Talk about internal system! Well, our internal system or our joint committees do not work well. The E.C. Drury School is a case in point, and I can give you other examples if you wish.

30 Employers do not want workers interfering in what they feel is their area of rights...particularly in the area of health and safety. I found out at the E.C. Drury School that the employees who were covered by that Act were not even informed about that hazard, nor were any precautions taken to protect their health and safety. Leave us to say, no

MR. DEMATTEO: (cont'd.) precautions were being taken to protect the health and safety of anyone at that particular school.

5 Let me tell you this, that any action that the Ontario government has taken in the area of asbestos, regarding its employees, has been basically prompted by union initiation.

Whether we are talking about the testing of these buildings...and I have been through these buildings with the Ministry of Labour and the government organization, the
10 Ministry of Government Services, which is the owner of these particular buildings, and we were party to some of the tests that they took. My response to them when they talked about taking tests was that I think you are simply being ridiculous. The asbestos is there, you can see it, you know it's asbestos, your building specifications tell you it's asbestos, then do
15 something about it.

They indeed...all they did was take samples. Some of the levels in these buildings, these very buildings here, are interesting to note. Many of these readings were above the environmental guidelines of point zero four fibres
20 per cubic centimeter of air. In this very building, some areas, the readings were point two eight fibres. Personal samples, on a mail clerk, revealed point zero seven fibres. There is an instructive little memo...I remind you too that one of the other things that we said to the government, the Ministry of Labour and the Ministry of Government Services,
25 was that your method of testing was inadequate, that for every large fibre...that is every fibre of five microns or greater...you are talking about maybe one hundred small fibres. They told us that was nonsense.

Anyway, I have an internal memo here from the
30 Ministry of Government Services, and this...I don't know the author of this memo, but it goes to a Mr. G. Kelnor, chief

MR. DEMATTEO: (cont'd.) mechanical engineer:
"Meetings have taken place between the government,
the Ministry of Labour and Mr. A. Grobowski and
Mr. Mann of the property management branch, with
regard to testing the atmosphere in the Ferguson
Block in order to establish whether asbestos
are present in a size to present a health hazard.
The size of particles which create a hazard are
those less than five microns in length and three
microns in diameter. Asbestos particles of this
size or less can pass through the respiratory
tract and lodge in the lining of the lungs.
The Ministry of Labour intends to test for the
presence of asbestos using the optical method.
This consists of first testing the insulation
to ascertain whether asbestos is contained in
the insulation, and then optically testing air
samples to measure the size of the fibres present
in the air.

The optical method has the disadvantage of not
being able to identify the nature of any
particular fibre.

Another method of testing called electron
microscope technique will measure both the size
of the particle and its identity. However, the
Ministry of Labour is not making use of this
method in their tests."

That's an internal memo. Now mind you, the
Ministry of Government Services at the time of our discussions
was telling us that we were out to lunch..that our concerns
were verging on alarm and hysteria.

Meanwhile, internal memos going through that
ministry confirmed the suspicions that we had about that.

DR. UFFEN: Excuse me. Is there a date on that?

MR. DEMATTEO: Yes. 1980 dash zero four, sixteen.
I guess that would be the sixteenth of April, 1980.

5 You may have a copy of this if you wish.

As far as we can ascertain, there are no control measures used by the government. At least if you look at the Drury School for the Deaf and what took place there, there would be an indication that the government doesn't know what it's doing. It's obviously hiring contractors who don't know how to remove this material or deal with this material in any safe fashion whatsoever.

10 There is no plan that at least has been discussed with this union. You know, talk about joint committees, joint discussions...as far as we know, we have not seen any kind of plan. At least the government has not made that plan available to us in the form of any kind of discussion.

15 With respect to the internal responsibility system that the Ministry of Labour insists be established, here I'm talking about joint committees, well, let me tell you that our experience in this area is just as dim as in the area of dealing with the problem of asbestos.

20 At best, the employer grants us committees grudgingly. They will only go as far as the law requires, and here I'm talking about where the law says that there shall be two people, at least half of which shall be workers. That's what we get in most instances.

25 The terms of references-they attempt to limit those terms of references as much as they can, to narrow them.

30 Let me give you an example of what we are talking about. We had discussions at one of the ministries, the Ministry of Transportation and Communication, on the formation of joint health and safety committees, which took an awful long time to finally establish. The ministry insisted

MR. DEMATTEO: (cont'd.) that our members to those committees fill out forms, a lot of forms, forms that would bog down a bureaucracy for ages in trying to deal with health and safety matters. One of those forms asked whether the accident or the injury was preventable. It was our view, the union's view, that such a question basically was concerned with assessing blame and not trying to get at the cause of a particular injury...and I think we are correct.

It is interesting to note that on one occasion... and this occurred at a fairly high level of discussion at what we call our Ministry/Employee Relations Committee...and what transpired was the following: A joint committee did review a particular accident and the employee members of that committee did assess preventability. They said that the accident could have been prevented if the Ministry of Transportation and Communication followed a particular policy with respect to trying to prevent, taking certain precautions.

The response was, from the head of personnel in the Ministry of Transportation and Communication: No, that's not the case, the accident was not preventable and why wasn't it preventable? Because the ministry doesn't have a policy to deal with that area.

Now what manner of logic is that?

We've got...I'll give you another example, at the Ontario Correctional Institute with the Ministry of Corrections. Employees or employee members of the joint health and safety committee asked the employer whether that building that they occupied contained asbestos. The employer's response was that no asbestos was contained in the buildings. The employees were not satisfied with that, and they spent three hundred dollars of their hard-earned local money to send it out to a laboratory, send samples out to a laboratory, and indeed there was asbestos in the material in that building.

MR. DEMATTEO: (cont'd.) Nothing has been done about that material in that building. Nothing has been done about asbestos material in any building.

5 And I might add this, that where they did try to take measures at the E.C. Drury School, I think they made the situation worse. The level of exposure...I saw dust clouds of asbestos, and you know what that means. I was walking in dust clouds, the kids were walking in dust clouds, everyone was walking in dust clouds except the administrator.

10 What we are basically saying to our employer, and we say this to the Ministry of Labour also, that you don't need sophisticated techniques, you don't need electron microscopes to deal with asbestos in buildings. There are appropriate identification methods, they don't have to result in air sampling, sophisticated electron analysis. Once these areas are identified, one should develop a plan of action to take care of those particular concerns.

15 Our view is that encapsulation, enclosing, is not a suitable way of dealing with that particular problem. It is our view that the only way to deal with asbestos in buildings is to remove it and follow the kinds of procedures that were shown on that exemplary film, and those procedures that were outlined quite well by the Ontario Federation of Labour.

20 Now, if you have any questions I would be glad to answer them, along with George.

25 DR. DUPRE: Thank you, Mr. DeMatteo. Thank you, too, Mr. Webster.

The E.C. Drury School is in Milton, Ontario.

MR. DEMATTEO: That's correct.

30 DR. DUPRE: Would you know, by any chance, if the contractor who was in charge of the control operation there was a local contractor?

MR. DEMATTEO: I couldn't tell you. You would

MR. DEMATTEO: (cont'd.) have to ask the school administrator about that, or the Minister of Education. She seems to be on top of the situation.

5 But from what I did see, I would add this, that the personnel conducting the ceiling operation did not know what they were doing, were not protected, they were eating lunch in the room when I walked in.

10 DR. DUPRE: One other question, which again relates to the joint committees. You do, as I understand, come under Bill 70?

MR. DEMATTEO: That's correct, we do.

DR. DUPRE: For the purpose of all of these joint committees?

15 MR. DEMATTEO: Not all of our employees come under the committee section of the Act, I might add. People working in office buildings, or people working in museums or libraries are...the employer is not obligated to form a joint committee.

20 DR. DUPRE: Ah...now, does that answer the next question I was going to ask, which was in relation to this building? Does this account for why I gather this controversy that you had, that you talk about on page nine, took place outside of the framework of joint committees?

25 MR. DEMATTEO: Yes, it did take place outside of the framework of joint committees. Let me tell you that the testing that took place here followed on the heels of the E.C. Drury incident and one of the chief stewards in the local in this particular area was concerned about open ceilings and construction going on in his workplace where asbestos was being disturbed and falling over his desk and other employees' desks. It was after he made presentations to the employer that all of a sudden there was a flurry of activity to do tests here. But I would add
30 that even in those areas where we have committee systems in place, we may get as far as doing a test after we have complained

MR. DEMATTEO: (cont'd.) to the Ministry of Labour, but the employer is not too responsive, I'll tell you that.

5 With respect to finally determining that it's asbestos, we have had no success yet, at least in the public service, in getting any action with respect to encapsulating, enclosing or removing that asbestos. The only area I know of where any action is proposed is in the community college system.

10 DR. DUPRE: Could I just ask one other little question? What originally triggered the idea that there might be asbestos exposure in this building? I say this having used it for a long time and have suspected that it must be full of all kinds of evil things, but when I first read about it in the newspaper, I was wondering who had blown the whistle in the first place on this possibility?

15 MR. DEMATTEO: Well, the union blew the whistle in this place because what was taking place, if you remember the early spring of last year, there was quite a bit of publicity surrounding Harbord Collegiate and surrounding E.C. Drury School. The people in this building, particularly the union officers, were suspicious about the construction activity
20 which was going on. I might add that people were also concerned about the Ministry of Government Services in this area, that handles this building, wanted to reinsulate certain areas with polyurethane...with urethane foams. That got people interested in what was going on in this building.

25 We also put a successful stop into them putting urea foams in this building. But it was only after that individual saw the exposed asbestos in the ceiling.

30 One of the things that is really interesting here not only that some of these levels that they are getting here, which are, of course, unreliable in our book anyway, but they do exceed the environmental guideline.

One thing is really interesting. One of the

5 MR. DEMATTEO: (cont'd.) things they did do in performing the test, they put personal dust samplers on some of the people and on one individual who is a technician, they had him walk...there is a catwalk above one of the areas here, where there is a large air plenum, return air plenum, which is filled with asbestos which is deteriorating and it's all over those little vents, by the way...so we may be at some risk ourselves right now. But what was interesting is they put a personal dust
10 sampler on the individual, and they said 'go to it'. They said, oh, wait a minute...put on this respirator.

Now that guy had been working in that area for the last fifteen years without a respirator and all of a sudden they got the idea that he should be wearing a respirator.

15 DR. DUPRE: Dr. Mustard?

DR. MUSTARD: Well, this is 1981, and I believe...

DR. DUPRE: Three years before 1984.

20 DR. MUSTARD: If I was to ask you about if there has been any improvement in your employer's policies, and I'm not sure whether I'm looking at a ministry or the government in the question of some of the stories...has their been improvement in (a) the function of joint committees, (b) the identification of asbestos in buildings, and (c) of the policies for handling the asbestos in buildings?

25 MR. DEMATTEO: I'll just give you one example. The situation gets, as a matter of fact, worse. I'll give you an example. With the Ministry of Transportation and Communication, they have a very, very complex system of operation throughout the province which requires a joint health and safety committee which is a bit different than one would ordinarily have in a workplace that was stable, with the employees in one area. The committee system involves three levels...a workplace level,
30 shop level, a district level committee and then a ministry sub-committee of the employee relations committee. Three levels

MR. DEMATTEO: (cont'd.) before you begin to get anything accomplished.

5 Anyway, we basically went along with their existing structure. We ordinarily would rather have committees at the work site where they would be more effective. A committee at the district level is far removed from the workplace itself. This takes people from various areas in a district, in an engineering district, and Ministry of Transportation and Communication come together every three months to discuss accidents, health and safety problems, so on and so forth.

10 Mind you, people are coming from all over this particular district, some geographical distance at times. Anyway, the ministry has now refused to pay the transportation costs for our members to go to those meetings, and I would add that initially we accommodated the ministry's structure to set up this kind of a joint committee structure. However, they have put nothing but obstacles in our way even operating in that particular thing.

George, you may have some...

20 MR. WEBSTER: I can give you another example. In my local I am the union representative to inspect the workplace. We have approximately twenty buildings on campus. I am still only allowed to inspect three of them...that's the laundry, the eating plant and the maintenance shop.

DR. MUSTARD: Which ministry is this?

25 MR. WEBSTER: Education.

DR. MUSTARD: Thank you.

DR. UFFEN: You said on campus. Is that a community college or...?

MR. WEBSTER: It's a school for the deaf.

30 MR. DEMATTEO: We have been limited in the number of people that the employer will allow. I've said that in many instances they will allow only one-on-one committees, which we

5 MR. DEMATTEO: (cont'd.) think is absolutely
absurd, especially when a fairly large organization. How can
you conduct the kind of work that a health and safety
representative has to do in order to ensure that the workplace
is safe? We've got nothing but obstacles on that score, with
respect to getting adequate representation of work areas...and
limitations, I might add. You know, it's one thing to...one
10 problem to get enough people to do the kind of work. When you
get to that committee and discuss things on a committee, let
me tell you the most that committee can do if it finally
agrees on going to even lunch, you find that you are just
bogged down.

15 One, they can only make recommendations to the
employer and the employer has a veto power over what that
committee does or says. The committees do not have power in
any sense of the word. When it's a joint committee, there is
not equal power on that committee whatsoever in terms of
decision making.

20 DR. MUSTARD: Have you ever brought in an
inspector?

MR. DEMATTEO: Yes. On many occasions we have...

DR. MUSTARD: Do they function for management
or do they function as they are supposed to function?

25 MR. DEMATTEO: Well, we have found...our
experience with the Ministry of Labour has not been very good
on that score. What we find the Ministry of Labour doing
is abrogating its responsibility to enforce the Act, as a
matter of fact. What it does is use a cop out, as far as we
are concerned, by saying 'look, you guys work it out yourselves,
you know, we are concerned that this internal responsibility
system work.'

30 Well the thing is, internal responsibility can
only work if there is equal power on those committees, and

MR. DEMATTEO: (cont'd.) that committee has, in fact, teeth to make recommendations that the employer must follow. Right now, that does not exist. But the Ministry of Labour
5 continues...and I have had to go after them on many occasions to just do the basic enforcement of the regulations and sections of that Act that they are supposed to...but they keep on putting if off. They say, well, you guys handle it out there.

We don't have the power to handle it, the employer has basic veto power on that score.

10 DR. DUPRE: Mr. Laskin?

MR. LASKIN: Do I take it then that what you would like to see in the statute is, rather than having a mere recommending power that these committees have some enforceable powers in the workplace?

15 MR. DEMATTEO: That's correct.

MR. LASKIN: What determines the number of the committee? I'm just quickly reading through the legislation. There doesn't seem to be any triggering mechanism to decide whether it's two or more.

20 MR. DEMATTEO: We had a number of proposals before our employer, that we put before the employer in negotiating these things at each ministry, and we try to develop a proposal that caused the employer the least cost with respect to disrupting their work routines, but we also were trying to develop numbers that bore some relationship to the population that representatives would have to deal with,
25 and the work areas that had to be inspected.

On every occasion, with every ministry except one...except one...a magic number three kept coming up. Three employees, three management people on that committee. For some reason I thought...I think there is something in three,
30 isn't there? Isn't there some kind of a magic thing in three?

But anyway, there was one exception, one

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MR. DEMATTEO: (cont'd.) exception. The Ministry of Correctional Services would only give us one on one.

MR. LASKIN: Thanks.

DR. DUPRE: Just one last question, Mr. Webster. Is it the E.C. Drury School for the Deaf that you are at?

MR. WEBSTER: No. It's the Sir James Whitney School in Belleville.

DR. DUPRE: Oh, the Belleville School.

Well, may I thank you both very, very much on behalf of my colleagues. It's been a most instructive session, a most instructive evening generally.

The Commission now rises until ten o'clock tomorrow morning. Thank you.

THE INQUIRY ADJOURNED

THE FOREGOING WAS PREPARED
FROM THE TAPED RECORDINGS
OF THE INQUIRY PROCEEDINGS

Edwina Macht
EDWINA MACHT

